

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.36877 of 2017

ORDER:

This writ petition is filed by the petitioners, who are stated to be the street vendors holding respective certificates of vending for their respective shops located on Sagar road, Miryalaguda Town, from Municipal complex to the bus stand.

I have heard the learned counsel for the petitioners, the learned Assistant Government Pleader representing the respondents 1 to 4 and the learned standing counsel representing the 5th respondent. I have perused the material record.

The grievance of the writ petitioners is that the respondents 3 to 5 are unauthorisedly and illegally interfering with their business premiseses without following the procedure established by law and contrary to the provisions of the Street Vendors (Protection of livelihood and Regulation of Street Vending) Act, 2014, and rules made thereunder on the alleged ground that their shops have to be removed for widening of the road. It is their further case that two years back the 3rd respondent conducted a survey on Sagar road for widening of the road and that on 31.10.2017 the authorities once again came to the locality with manpower and that, therefore, there is an immediate threat of dispossession of the petitioners from the business premiseses where the petitioners are carrying on businesses which are their respective livelihood.

Learned standing counsel would submit that the requirement is not only widening of the road but also restoring the road, which was encroached upon, and that the proposal was accepted and necessary funds were also sanctioned and that the respondents would follow the procedure established by law before evicting the petitioners from the encroached portions of the road/ road margin.

Having regard to the facts and submissions, the Writ Petition is disposed of directing the respondents 2 to 5 not to interfere with the possession of the petitioners of their respective shops until action as contemplated under law and procedure is initiated and necessary orders are passed in strict accordance with the procedure established by law.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M. Seetharama Murthi, J

02.11.2017
Vjl

