

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.32429 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon’ble Court may be pleased to issue any writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in threatening us to remove our shops named Madina Chicken Center situated in Sy. No. 365 of Thumkunta Village, Shamirpet Mandal, R.R. District belonging to MASJID – E - DAWOODIA as illegal and arbitrary and consequently direct the respondents not to interfere with Petitioners above mention business and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *Raja Reddy Koneti*, learned counsel appearing for the petitioners; and of the learned Government Pleader for Home (Telangana) appearing for the respondents 1 to 4. I have perused the material record.

3. Learned counsel for the petitioners submits that the petitioners are in occupation of the subject shop of the MASJID-E-DAWOODIA as tenants; that they are carrying on business in Chicken Center in the said shop; that they hold a trade licence from the Panchayat Secretary for the said business; that they are also paying the necessary amounts to the owner of the premises; that copies of receipts evidencing such payment are filed along with the writ petition; that while the petitioners are peacefully carrying on the business in the subject shop, the respondents are

interfering with the said business; and, that, therefore, the writ petition is filed.

4. Learned Government Pleader for Home, on written instructions, dated 10.09.2018, a copy of which is placed on record, submits as follows: 'The 2nd petitioner herein along with others lodged a report, dated 27.07.2018, with the 4th respondent/Station House Officer, Shamirpet Police Station, Shamirpet, Medchal District, stating that one person erected a shop (dabha) in the Muslim grave yard in Survey no.365, admeasuring Ac. 2.00 guntas, situated at Thumkunta Village, Shamirpet Mandal, Ranga Reddy District, and that the said shop along with other shops was removed by the Gram Panchayat; that the 4th respondent made an entry in the General Diary with regard to the said report; that the allegations in the writ petition are false; that the Police never interfered with the alleged business in the subject premises of the petitioners; and, that the allegations that the 4th respondent is visiting the shop of the petitioners and threatening the petitioners to remove the Chicken Center are false.'

5. Recording the submissions, the Writ Petition is disposed of directing the 4th respondent not to interfere with the petitioners' Chicken Center in the subject premises.

There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE M. SEETHARAMA MURTI

Date: 14th September, 2018
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