

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 16054 OF 2019

ORDER :

This writ petition is filed for the following relief;

“to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondents no.1 to 8 in threatening to demolish and dispossess the petitioners from their shops No.1 to 8 situated at Station Road, Mukharam Chowrasta, Mancherial Town, Mancherial Mandal and District, in the guise of construction of the Rail Over Bridge leading from Hamaliwada to Mukharam Chowrastha of Mancherial town, even though the said shops of the petitioners do not effect in any way in construction of the said Road Over Bridge as per the approved plan released by the respondents No.1 to 4 authorities, without providing suitable alternate shops to them enabling them to do their petty business, for eking of their livelihood, is nothing but arbitrary, illegal, null and void and violative of principles of natural justice an also violative of Articles 14, 19, 21 and 300-A of the Constitution of India. Consequently, direct the respondents authorities not to demolish and not to dispossess the petitioners from their shops No.1 to 8 situated at Station Road, Mukharam Chowrasta, Mancherial Town, Mancherial Mandal and District, without providing suitable alternate shops to them enabling them to do their petty business, for eking of their livelihood and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

Learned counsel for the petitioners submits that as petitioners are pursuing their occupation in the subject land since many years, they are entitled for allotment of alternate land; and that the petitioners have also made representation to the District collector in respect of the same which is pending and pending same no coercive action can be taken.

On the other hand learned Standing Counsel for 8th respondent submits that since petitioners are causing obstruction to the public by encroaching the public road, the respondents want to remove the encroachments.

Smt.Pushpender Kaur, learned Standing Counsel for respondents 2 to 4 submits that as on today they have not issued any notice, and as such, the writ petition is premature.

In this case it is to be seen that admittedly, petitioners are encroachers, and as such they cannot have any objection for removing encroachments, as such no exception can be taken for removing encroachments. Since it is stated that 8th respondent-Municipality permitted the petitioners for so many years for pursuing their occupation and since it is stated that the petitioners have made application to the District Collector, it is for the District

Collector to consider the case for allotment of sites. In view of the same, no relief can be granted in the writ petition.

Subject to the above observation, the writ petition is disposed of. No order as to costs.

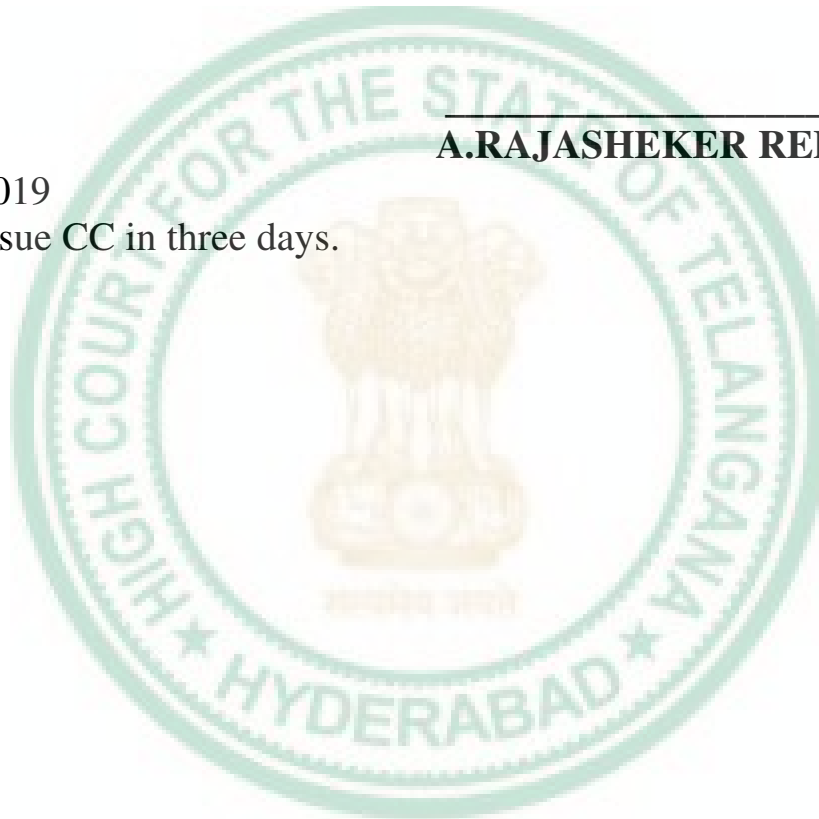
As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

01.08.2019

Note: Issue CC in three days.

B/o.t k.



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