

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.5929 of 2014

ORDER:

Heard learned counsel for the petitioners as well as learned Standing Counsel appearing for the 3rd respondent-Municipality.

2. The prayer sought in the writ petition is as under:-

“...to issue a writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent No.6 in respect of interfering in carrying on the business of “Sale of Chicken” by the petitioners/Street Vendors at Market Area Place in Bhainsa Town Municipality within the limits of 3rd respondent and destroying the their temporary structures of sale stalls and throwing the Fishes in Municipal drainage by abusing in filthy language and thus making causing loss and also doing harassment and preventing petitioners/street vendors from carrying on their business (Street vending) with dignity for their livelihood is illegal arbitrary and violative of Article 19 (1) (g) and 21 of the Constitution of India and particularly against the “NATIONAL POLICY ON URBAN STREET VENDORS, 2009” and against the judgment rendered by the Honourable Apex Court in Maharashtra Ekta Hawkers Union and another V/s Municipal Corporation, Greater Mumbai and others, consequently direct the 6th respondent not to interfere in the Street Vending business of the petitioners/street Vendors in “Sale of Chicken” at Market area within the limits of Municipality Bhainsa, District Adilabad and to pass such other and further order or orders, as this Honourable Court may deems fit and proper in the circumstances of the case.”

3. During the course of arguments, learned Standing Counsel for the 3rd respondent Municipality placed on record a letter No.MCB/A1/2019, dated 31.10.2019. From the perusal of said letter, it is evident that the writ petitioners are doing chicken business/vending without observing the road or road margin in Bhainsa Town in their allocated places.

4. On this letter, learned counsel appearing for the petitioners would submit that there is no obstruction from the 6th respondent and he requests the Court to pass orders in the light of the statement made in the said letter.

5. Having regard to the said facts and circumstances and since the petitioners are doing their business in their allocated places, this Court is of the opinion that no further cause would survive in the writ petition.

6. Accordingly, the writ petition is closed.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

6th November 2019

mar

P. KESHAVA RAO, J