

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION No.16306 of 2023

Kurru Babu Rao,
S/o. Sri K. Sanyasi rao,
Hindu, Aged 58 years, Occ: Kirana shop,
R/o. D.No.4-217, Karanam giri Thota,
Gollaprolu Village and Mandal,
East Godavari District.
And 10 others.

.... Petitioners

Versus

State of Andhra Pradesh,
rep. by its Principal Secretary,
Department of Municipal Administration,
Secretariat, Velagapudi,
Amaravati
And 2 others.

.... Respondents

ORDER:

Heard the learned counsel for the petitioners and learned Standing Counsel for the respondent No.2.

2. This Writ Petition is filed questioning the action of the respondent Nos.2 and 3 in trying to demolish the shops of the petitioners without any notice and without following the due process of law.

3. The learned counsel for the petitioners submits that the petitioners are running shops in the vegetable market situated in the locality of Gollaprolu Panchayat for so many years and they also obtained trade license. While so, the respondent Nos.2 and 3 without

issuing any notice, are trying to dispossess all the subject shops of the petitioners for different purposes. If it is allowed, the petitioners can be deprived of their livelihood.

4. On the other hand, the learned Standing Counsel appearing for the respondent No.2 submits, on written instructions, that the Gollaprolu Panchayat was upgraded to Nagara Panchayat in the year 2011 and the Commissioner and Director of Municipal Administration of Andhra Pradesh issued memo dated 22.11.2012 sanctioning an amount of Rs.50,00,000/- for the construction of the office building, for which the resolution was also passed on 18.02.2023 to construct the office building in the place where the present market is going on, on a temporary basis. On the eastern side of the land situated in Survey No.574/5, the unauthorized occupants are running the market. But, the said land belongs to the Government and it is required for the purpose of construction of the Municipal Office to cater to the needs of the residents and also to the Nagara Panchayat people within the limits of Nagara Panchayat. So far as the petitioners are concerned, they are all the encroachers and they erected tiny sheds therein and the occupants were not assessed with the encroachment tax at any point of time. They are only unauthorized occupants of the public site. The Nagara Panchayat is also situated at an alternative place in a distance of 500 meters from the present place, and the Council of Nagara Panchayat, Gollaprolu, passed a

resolution to construct a market for the benefit of the unauthorized occupants and some others.

5. In view of the above said facts and circumstances, the petitioners are permitted to give representations individually or in common to the respondent No.2 within a period of three (03) weeks from the date of receipt of this order along with the supportive documents to substantiate their case. On receipt of the same, the respondent No.2 shall pass appropriate orders with respect to providing alternative accommodation for running the vegetable market with necessary facilities to all the petitioners and other eligible persons by following the due procedure of the law. The respondent No.2 shall take a necessary decision, as expeditiously as possible, within a period of eight (08) weeks thereafter.

6. Accordingly, this Writ Petition is disposed of. No costs.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE B KRISHNA MOHAN

Dated: 11.07.2023
MSI

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Date: 11.07.2023
MSI