

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No.3010 of 2023

ORDER:

The petitioners are carrying on petty business in shops set up along the road in Anantavaram Village, Tulluru Mandal, Guntur District. The 3rd respondent-Gram Panchayat is said to have issued a notice 29.07.2021 directing the petitioners to remove their shops on the ground that the said shops are in the road margin and has been constructed by the encroaching into the said road margin. Aggrieved by the said notice, the petitioners have approached this Court by way of W.P.No.17095 of 2021, which was disposed of on 31.10.2022.

2. The petitioners contend that a fresh notice was again issued by the 3rd respondent on 05.12.2022 granting one week time for removal of the shops which return representation was given by the petitioners on 12.12.2022. The petitioners contend that the same has to be send by way of a registered post, as the 3rd respondent refused to receive the same. Thereupon, the petitioners are said to be have served with a notice dated 06.02.2023 granting 48 hours of

time to removal of the shops, which is contrary of the orders of this Court. The 1st petitioner would submit that the petitioner had also filed W.P.No.40721 of 2022 challenging the notice dated 06.12.2022 and the same is still pending for consideration of this Court.

3. The petitioners have now approached this Court being aggrieved by the proceedings R.C.No.02 of 2023 dated 30.01.2023, directing the petitioners to remove their encroachments. The petitioners contend that the 3rd respondent initiating action against all the persons who are said to be in illegal occupation of the road margin, had undertaken a pick and choose method, and had taken action against only the petitioners herein and the same would amounts to discrimination and violation of the Article 14 of Constitution of India. He further submits that the removal of said shops would result in total loss of livelihood of the petitioners and the same would be violative of Articles 19 & 21 of Constitution of India.

4. Sri G. Venkat Reddy, learned Standing Counsel appearing the 3rd respondent would submit that the notices had been issued on 05.12.2022 & 14.12.2022 to all the

encroachers who had occupied the road margins and had set up a shops. He submits that the action is being taken against all of them and the contention of the petitioners that the 3rd respondent had undertaken a pick and choose method is incorrect.

6. A perusal of the impugned proceedings dated 30.01.2023 would show that the 3rd respondent after considering the representation of the petitioners dated 14.12.2022 had come to the conclusion that the petitioners wherein illegal possession of the road margin and that the said shops are also causing great difficulty for the students and parents of the students studying in the high school which is adjacent to these shops. In those circumstances, the 3rd respondent had granted time to the petitioners to remove the shops failing which the Gram Panchayat would take action.

7. The petitioners do not dispute the fact that there are in occupation of the road margin. Their defence is that the action cannot be taken against them alone while the leaving the other illegal occupants to carry on that business.

8. The aforesaid contention can only be stated for being rejected. There can be no vested right in a person to commit an illegality and to contend that he is protected until all other persons committing such illegalities for proceeded against.

9. In the circumstances, this Court does not find any reason to intervene or interfere with the impugned order.

10. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

R. RAGHUNANDAN RAO, J.

13.02.2023

BSM

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