

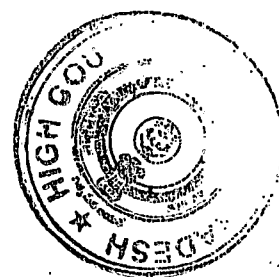
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE D. RAMESH

WRIT PETITION NO: 8948 OF 2016



Between:

1. Sri K Hajji, S/o K Mohammed and Sulthan bi, Aged about 26 years, R/o H.No. 8-84, Main Road, Kosagi Village & Mandal, Kurnool District.
2. KB Shekan bi, w/o Late KB Kadar Basha, Aged about 50 years, R/o H.No. 8-98/2 to 4, Main Road, Kosagi Village & Mandal, Kurnool District.
3. Shakir Basha, S/o. Mohammed, Aged about 26 years, R/o H.No.5/126, Old Post office Road, Kosigi Village & Mandal, Kurnool District.

...PETITIONERS

AND

1. The State of A.P., Rep. by its Principal Secretary, Panchayath Raj Department, Secretariat, Hyderabad:
2. The Kosigi Grampanchayat, Rep. by its Panchayat Secretary, Kosigi, Kurnool District.
3. The Circle Inspector of Police, Kosigi PS, Kurnool District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order, direction or writ particularly one in the nature of writ of mandamus declaring the action of the Respondent No.2 directing the Petitioner to shift the chicken and Mutton shops into public park called Hanumantappa Naik park from weekly cattle market without following the due process of law with the police force as arbitrary, illegal, unconstitutional, unenforceable, ultra-vices, contrary to the settled law and violative of articles 14, 19(i)(g) and 21 of the constitutional of India and consequently direct the Respondents not to insist the Petitioner's shift from the place of the business.

I.A. NO: 1 OF 2016(WVMP. NO: 1715 OF 2016)

Between:

Gram Panchayat, Kosigi, Represented by its Panchayat Secretary, P. Ramanjaneyulu, S/o. P. Narsanna, Aged 51 years, Residing at Kosigi Village & Mandal, Kurnool District

...Petitioner/Respondent

AND

1. Sri K Hajji, S/o K Mohammed and Sulthan bi, Aged about 26 years, R/o H.No. 8-84, Main Road, Kosagi Village & Mandal, Kurnool District.

2. KB Shekan bi, w/o Late KB Kadar Basha, Aged about 50 years, R/o H.No. 8-98/2 to 4, Main Road, Kosagi Village & Mandal, Kurnool District.
3. Shakir Basha, S/o. Mohammed, Aged about 26 years, R/o H.No.5/126, Old Post office Road, Kosigi Village & Mandal, Kurnool District.

...Respondents/Petitioners

4. The State of A.P., Rep. by its Principal Secretary, Panchayath Raj Department, Secretariat, Hyderabad.
5. The Circle Inspector of Police, Kosigi PS Kurnool District.

...Respondents/Respondents

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to vacate the order dated 18.03.2016 passed in W.P. No. 8948 of 2016.

I.A. NO: 2 OF 2016(WPMP. NO: 11340 OF 2016)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents not to disturb and interfere with the Petitioners selling in chicken and mutton from present location to any other place forcibly more specifically public park or cattle market, pending disposal of the writ petition, in the interest of justice.

Counsel for the Petitioners : SRI. P RAMACHANDRAN

Counsel for the Respondent No. 1 : GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT

Counsel for the Respondent No. 2 : SRI G. VENKATA REDDY (SC FOR MPP,ZPP)

Counsel for the Respondent No. 3 : GP FOR HOME

The Court made the following : ORDER

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION No.8948 of 2016

ORDER:

The Writ Petition under Article 226 of the Constitution of India is filed seeking to declare the action of the 2nd respondent directing the petitioners to shift the chicken and mutton shops into public park called Hanumantappa Naik Park from weekly cattle market without following the due process of law with the police force as illegal and arbitrary.

2. Considering the submissions of the learned counsel for the petitioner, this Hon'ble court has passed interim direction on 18.03.2016, which reads as follows:

"Subject to the condition of petitioners having the licence issued by the Gram Panchayat to carry on the trade of selling chicken and mutton in their premises, the petitioners' trade of selling chicken

and mutton shall not be interfered with by the respondents, until further orders."

3. In view of the above interim direction, nothing survives in this Writ Petition. Accordingly, the Writ Petition is disposed of, directing the respondents to follow the interim direction granted by this Court and take appropriate action. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

**SD/- K. KASI RAO ACHARI
ASSISTANT REGISTRAR**

//TRUE COPY//

chsn
SECTION OFFICER

To,

1. The Principal Secretary, Panchayath Raj Department, State of A.P., Secretariat, Amaravathi, Guntur district.
2. The Panchayat Secretary, Kosigi Grampanchayat, Kosigi, Kurnool, District.
3. The Circle Inspector of Police, Kosigi PS Kurnool District.
4. One CC to Sri. P Ramachandran Advocate [OPUC]
5. One CC to Sri. G. Venkata Reddy, SC for Gram Panchayath [OPUC]
6. Two CCs to GP for Panchayat Raj & Rural Development, High Court of Andhra Pradesh. [OUT]
7. Two CCs to GP for Home, High Court of Andhra Pradesh. [OUT]
8. Two CD Copies

PV

PV

P. Madhav Kumar

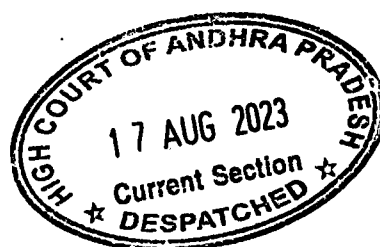
HIGH COURT

DATED:20/04/2023

ORDER

WP.No.8948 of 2016

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AK
Set



DISPOSING THE WP WITHOUT COSTS