

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.11304 OF 2015

ORDER:

This writ petition is filed seeking *Writ of Mandamus* declaring the action of the respondents in dispossessing the petitioner from Basaveswara Medical Shop at Old Bus Stand, Aluru Village and Mandal, Kurnool District, as illegal and arbitrary and for a consequential direction to set aside the notice dated 16.04.2015.

The case of the petitioner is that he was allotted a land of 10 x 36 sq.feet near the old bus stop on 27.12.2006 by way of resolution from the Gram Panchayat and he has constructed a pakka room for running the medical shop in the said land. The petitioner has also been paying the rents from time to time as per the resolution. While so, the 3rd respondent issued proceedings dated 16.04.2015 asking the petitioner to vacate the shop and shift the same to the new shopping complex within 2 days or else his shop will be demolished without any further notice. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that without following the due process of law, the respondents are trying to evict the petitioner. He also submits that earlier in respect of similar issues, writ petitions were filed and interim orders are also granted, but no vacate petitions were filed as on date in the same.

On the other hand, Sri G.Seshadri, learned Standing counsel for respondents 2 and 3 submits that though the petitioner was already allotted a alternative shop, he is not shifting to the said shop. He further states that all the other shop owners have vacated the shops except the petitioner.

In the instant case, the impugned notice is not preceded by the prior notice. In view of the same, petitioner is permitted to make explanation to notice dated 16.04.2015. The respondents may consider the same in accordance with law and take a decision. Till such time, status-quo obtaining as on today shall be

maintained. If petitioner does not file explanation within the above stipulated time, it is open for the respondents to take further action as per notice dated 16.04.2015.

Accordingly, the writ petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions, pending, if any shall stand closed.

A.RAJASHEKER REDDY, J

23.04.2015

dv

