

APHC010408142025



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

[3457]

TUESDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 20810/2025

Between:

- 1.S MOHAMMAD FARUK, S/O. LATE. S.MOHAMMAD GHOUSE, AGED ABOUT 50 YEARS, OCC MUTTON SHOP, R/O. D.NO. 20-16/1, NEW PET, PALAMANERU TOWN, CHITTOOR DISTRICT.
- 2.S. ELIAZ,, S/O. LATE SYED JAFFAR, AGED ABOUT 38 YEARS, OCC FRUITS SHOP, R/O, D.NO.3-188/1, POLICE LINE, PALAMANER TOWN, CHITTOOR DISTRICT.
- 3.K. JAFFER,, S/O. LABBI KHADAR BASHA, AGED ABOUT 37 YEARS, OCC CHICKEN SHOP R/O, D.NO. 1-137, MASID STREET PALAMANER TOWN, CHITTOOR DISTRICT.

...PETITIONER(S)

AND

- 1.THE STATE OF AP, REP., BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.
- 2.THE DISTRICT COLLECTOR, CHITTOOR DISTRICT, CHITTOOR.
- 3.THE PALAMANERU MUNICIPALITY, PALAMANERU TOWN, CHITTOOR DISTRICT, REP. BY ITS COMMISSIONER,
- 4.THE STATION HOUSE OFFICER, PALAMANERU URBAN, CHITTOOR DISTRICT.

...RESPONDENT(S):

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 topleased to issue an appropriate order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondent No.3 in trying to evict petitioners from the shops one located opposite to Dr. Kadirappa Clinic, MET Road in Sy.No.308/2, in Palamaneru Town, Chittoor District, high handedly without issuing any notice or following due process of law as arbitrary, illegal, colorable exercise of power, contrary to the provisions of the Andhra Pradesh Municipalities Act, 1965, violative of principles of natural justice apart from being violative of the fundamental rights guaranteed to petitioners under Articles 14 19, 21 and 300-A of the Constitution of India and consequently direct the No.3 not to disposes petitioners from the shops located respondent opposite to Dr. Kadirappa Clinic, MET Road in Sy.No.308/2, in Palamaneru Town, Chittoor District, without following due process of law and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased

Counsel for the Petitioner(S):

1.S PARINEETA

Counsel for the Respondent(S):

1.GP FOR HOME

2.GP FOR MUNICIPAL ADMN URBAN DEV

The Court made the following Order:

1. The learned Standing counsel appearing for the respondents requests time to place on record the exact location of the shop of the petitioners.
2. The learned counsel for the petitioners submits that the petitioners have been running the shop for the last fifteen years, and are paying requisite taxes, and have also been granted a trade license for conducting the shop. The learned counsel for the petitioners further submits that the petitioners are conducting a petty business for their livelihood and that their shops are not obstructing traffic on the road or causing any inconvenience to the general public.
3. The learned Standing counsel submits that the 3rd respondent received a complaint from the neighboring property owner alleging that the petitioners' shops are obstructing the traffic and access to their property.
4. Recording the submissions of the learned counsel for the petitioners and the learned Standing counsel for the respondent municipality, it is directed that the respondent municipality shall take necessary action against the petitioners by following due process of law. Till then, the possession or conduct of business of the petitioners shall not be disturbed.
5. With the above direction, the present writ petition is disposed off. There shall be no order as to costs.

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

JUSTICE HARINATH.N

Date: 05.08.2025

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HONOURABLE SRI JUSTICE HARINATH.N

Writ Petition No.20810 of 2025

Date: 05.08.2025

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