

(1998) 10 AP CK 0065

In the Andhra Pradesh High Court

Case No : Writ Petition No. 35162 of 1997

Tirumala Coffee and Tea Vendors Association

APPELLANT

Vs

TTD, Tirupathi and another

RESPONDENT

Date of Decision : 07-10-1998

Acts Referred:

Constitution of India, 1950 — Article 21, 226

Citation : (1999) 2 ALD 274 : (1999) 1 ALT 388

Hon'ble Judges : V. Bhaskara Rao, J

Bench : Single Bench

Advocate : Mr. P.S. Narayana, for the Appellant; Mr. M. Adinarayana Raju, SC for TTD, for the Respondent

Judgement

1. The case of the petitioner-Association is that its members are residing along with their families at Tirumala since more than 30 years and they have been seeking sitting licences for vending tea and coffee but the respondent has not considered the same. It is asserted that such an inaction on the part of the respondent is illegal, arbitrary and unconstitutional.

2. The respondent through its Executive Officer filed counter-affidavit. It is stated that the members of the petitioners, Association moves from one place to another among countries and cottages in the ear-marked areas carrying kettles with them and catering to the needs of visiting pilgrims. It is asserted that the case of the petitioner-Association is different from the persons who sell bangles, fancy articles, books, etc. The contention that they were granted licences in the year 1976 and renewed from time to time is not admitted and it is also denied that the respondent was never approached by the Association for such sitting licences.

3. Sri P.S. Narayana, learned Counsel for the petitioner-Association has vehemently contended that there are as many as 63 families which are eking out their livelihood on this profession and therefore on humanitarian grounds some way will have to be found to improve their living conditions. He therefore urged

that a direction may be given to the respondent to consider their cases favourably and wherever convenient places can be found the same may be offered to them with permission to sell tea and coffee by sitting at one place.

4. I carefully considered the above contentions and also the contentions of Sri M. Adinarayana Kaju, learned Standing Counsel.

5. Undoubtedly, the pilgrims who visit Tirumala daily are in thousands and sometimes in lakhs. I do not think that the hotels and restaurants that are scattered at far off places are able to cater to the needs of so many pilgrims. In fact it is the dire need of any pilgrim to have tea or coffee in early hours. The Members of the Association are rendering yeoman service to the pilgrims by going to the cottages and countries and serving tea and coffee and hot beverages in early hours.

6. Keeping in view all these circumstances, it is advisable to find some suitable places without in any way causing hindrance to other activities of TTD and to permit the members of the Association to conduct their business at those places. Hence, the respondent may once again consider the representation of the petitioner-Association and to dispose of the same on humanitarian grounds. It is for the petitioner-Association to submit another representation pointing out some other suitable places and if such a representation is given the same may be considered by the respondent and if he is satisfied with the suitability of the places, proposals may be placed before the Board for necessary sanction and action may be taken accordingly.

7. With these observations, this writ petition is dismissed. No costs.