

**THE HON'BLE MR. JUSTICE N.V. RAMANA**

**WRIT PETITION No.9448 of 1999**

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**Dated: July 29, 2005**

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**Between:**

1. Sri Balaji Coffee, Tea and Cattle Union
2. B. Venkatadri, S/o Chinnabai

... Petitioners

And:

1. The Tirumala Tirupati Devasthanams, Chittoor District.
2. The Assistant Executive Officer, Tirupati, Chittoor District.

... Respondents

**Order:**

This writ petition is filed seeking Mandamus declaring the inaction on the part of the respondents in granting sitting licences to the members of the petitioner association

for the purpose of selling coffee and Tea to the pilgrims in terms of licences held by them, as extended to all other similarly placed hawkers, as arbitrary and illegal, and for a consequential direction to the respondents to extent such sitting licences to the members of the petitioner association.

2. Petitioner, a registered Society, represented by its Joint Secretary, states that its members, who are all residents of Tirumala, have been eking out their livelihood by selling coffee and tea to the pilgrims visiting Tirumala. It is their case that they were granted licences to sell coffee and tea, vide Proceedings dated 02-04-1980 and the same were being renewed from time to time and some other persons selling bangles, key chains, photo frames, etc., were also granted similar licences. It is stated that on the demand made by the persons selling bangles, key chains, photo frames, etc., the first respondent granted sitting licences to them, vide proceedings dated 17-09-1991. It is further stated that though the members of the petitioner society are similarly placed, like other vendors who have been granted sitting licences, their cases are not being considered, even though an assurance had been given by the respondents that their cases, for grant of sitting licences, would be considered.

3. Learned counsel for the petitioners contends that when similarly placed persons, like the petitioners herein, filed W.P.No.35162 of 1997 before this Court, this Court, while dismissing the same by its order dated 07-10-1998, directed the respondents therein to consider the cases of the petitioners therein by placing the same before the Board. The main grievance of the members of the petitioner association is that though they are similarly placed, their cases are not being placed before the Board and only the cases of those persons in the abovementioned writ petition who are also the members of the petitioner association are being considered.

4. Respondents filed counter affidavit stating that after disposal of the abovementioned writ petition, proceedings dated 02-03-1999 were issued by the Executive Officer, T.T. Devasthanams, Tirumala, rejecting the case of the petitioners therein. It is stated that the allegation of the petitioners, that their representation was discussed in the meeting of the Board of Trustees for granting sitting licences for selling tea and coffee, is not correct. Hawking licences were granted to the petitioners for supplying coffee and tea by moving from place to place to serve the needs of the pilgrims at the areas specified therein and so, granting sitting licences would defeat the purpose for which, the hawking licences were granted to them.

That is the reason behind the respondent authorities in rejecting the representation of the members who are petitioners in W.P.No.35162 of 1997.

5. Heard the counsel appearing on either side.

6 .The members of the petitioner association, claiming to be similarly placed persons like the petitioners in W.P.No.35162 of 1997, approached this Court seeking a direction to the respondents to the grant them sitting licences for selling coffee and tea. The counter affidavit filed by the respondents clearly states that this Court by its order dated 07-10-1998, in W.P.No.35162 of 1997, directed the respondent authorities to consider the case of the petitioners therein, pursuant to which, the cases of the petitioners were considered and rejected by the authorities concerned.

7. Taking into consideration the facts and circumstances of the case and in view of the fact that the case of the petitioners in

W.P.No.35162 of 1997 was considered and proceedings had already been issued rejecting their case, the present writ petition filed by the petitioners claiming to be similarly placed as that of petitioners in W.P.No.35162 of 1997, cannot be entertained.

8. The writ petition is devoid of merit and is accordingly dismissed. No order as to costs.

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**N.V. RAMANA, J**

July 29, 2005

**MRR**