

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23803 of 2017

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the 1st respondent, i.e., Sri Bramaramba Mallikharjuna Swamy Devastanam, Srisailam Town and Mandal, Kurnool District, rep. by its Executive Officer in trying to vacate the petitioner from Plot No.2, situated in B.S.R. Road, Srisailam, contrary to law, by discriminating him as a person on the basis of religion, and in allotting shops to the shop owners, situated in R.P. Road and P.G. Road, Srisailam, after construction of the shops by dislodging the petitioner from his plot, as illegal, arbitrary, opposed to law and violative of Articles 14 and 19 of the Constitution of India.

2. Heard learned counsel for both the parties and perused the material available on record.

3. The case of the petitioner is that the petitioner is running his business of selling bangles and fancy items in Plot No.2, situated at B.S.R. Road at Srisailam, since 25 years. The 1st respondent Devastanam had undertaken a plan to demolish all the temporary shops in four roads i.e., R.P. Road, P.G. Road, B.S.R. Road and Lalitha Bazaar, for shifting all the shop owners to a complex, which is called in the name and style of Sri Siddi Ramappa Shop Complex and that in pursuance of the same, in the said complex i.e., ground + 2 floors, around 200 shops were constructed and very few of them were given allotment letters for occupation of the said shops.

4. The main grievance of the petitioner is that till date, the petitioner was not given allotment of shop in the above said complex i.e., Sri Siddi Ramappa Shop Complex.

5. When the matter is taken up for hearing, it is informed by the learned Standing Counsel for the 1st respondent that in view of the Rule 2(2)(k) amending Rule 4(2) and Rule 7(4) as added as Rule 18 in G.O.Ms.No.426, Revenue (Endowments-I) Department, dated 09.11.2015, issued by the 3rd respondent, the petitioner cannot be granted permission to have a shop in the newly constructed complex, i.e., Sri Siddi Ramappa Shop Complex and he further informed that W.P.No.40252 of 2015 is filed challenging the said Rule and the same is pending before the Division Bench of this Court.

6. Recording the said submission, this Court is of the view that the writ petition can be disposed of with the following direction:

The respondent authorities are directed to allot a shop to the petitioner in the newly constructed complex, i.e., Sri Siddi Ramappa Shop Complex and the said allotment will be subject to the outcome of the W.P.No.40252 of 2015 pending before the Division Bench of this Court.

7. Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 19th July, 2017
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