

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

**WRIT PETITION No.31807 of 2018**

**ORDER:**

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

**“For the reasons stated in the accompanying affidavit, it is hereby pray that this Hon’ble Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not allotting the Stall bearing No.64 in Rythu Bazar, Patamata, Vijayawada, Krishna District under the category of differently abled and HIV effected persons on par with similarly situated candidates as illegal, arbitrary and unjust and consequently direct the Respondents to allot the stall bearing No.64 at Rythu Bazar, Patamata, Vijayawada, Krishna District and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”**

**2.** I have heard the submissions of Sri *N.Siva Reddy*, learned counsel appearing for the petitioner; and of the learned Government Pleader for Agriculture, appearing for the respondents 1 to 4. I have perused the material record.

**3.** The grievance of the writ petitioner is that his case is not being considered on par with similarly placed persons and that the respondents are not allotting the stall bearing No.64 in Rythu Bazar, Patamata, Vijayawada, Krishna District, to him under the category of differently abled and HIV affected persons and that his representation, dated 06.08.2018, in the above regard is not considered and disposed of by the respondents.

**4.** Learned counsel for the petitioner brings to the notice of the Court the orders passed by this Court earlier in matters of similar nature.

5. Learned Government Pleader submits that the representation of the petitioner will be considered and disposed of within a fortnight, in accordance with procedure established by law.

6. Having regard to the submissions, the Writ Petition is disposed of directing the 2<sup>nd</sup> respondent – Joint Collector, Machilipatnam, Krishna District, to consider and dispose of the representation of the petitioner, dated 06.08.2018, in accordance with the procedure established by law, however, within a fortnight's time from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioner within a week thereafter. It is needless to state that the Officer concerned while disposing of the representation of the petitioner shall record reasons for refusal of extension, in the event the request of the petitioner stands negatived. In such an event, the respondents shall not evict the petitioner from the subject stall till the expiry of one (01) week time from the date of communication of such reasoned decision to the petitioner.

There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

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**JUSTICE M. SEETHARAMA MURTI**

Date: 6<sup>th</sup> September, 2018

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