

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.20698 OF 2023

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:-

"...to issue writ, order or direction more particularly one in the nature of Mandamus declaring the action of the Respondent Nos. 2 to 6 in not changing the Petitioner's firm from proprietorship to Partnership in the Commission agent licence bearing NO. CI0117/2023-2028 despite the Petitioner submitted a Representation dated 27.06.2023 and even though there is no any legal embargo in the eye of law as illegal, arbitrary, violation of principles of natural justice, contrary to the provisions embodied under the Indian Partnership Act, 1932 and contrary to the provisions of the Andhra Pradesh (Agricultural Produce & Livestock) Markets Act, 1966 and Rules made thereunder and contrary to the Articles 14, 19 (1) (g) and 21 of the Constitution of India and consequently consider the petitioner's application/case and pas such other order or orders..."

2. The 5th respondent herein has issued licence in favour of the petitioner *vide* Proceedings No. CI0117/2023-2028, dated 31.03.2023, to carry on business, which business is a Sole

Proprietorship Concern, in the premises described in the schedule therein, subject to the provisions of the Andhra Pradesh (Agricultural Produce & Live Stock) Market Act, 1966 and Rules 1969. The licence is valid for a period of five years, and the said period is still in existence.

3. As the petitioner is unable to conduct the said business, hence, he made a representation dated 27.06.2023 to the 5th respondent to convert the Sole Proprietorship Concern to the Partnership Firm, but the same was not disposed of by the 5th respondent herein. Therefore, the present writ petition came to be filed seeking a direction to the respondents herein to examine and pass appropriate orders on the said representation.

4. Heard learned counsel for the petitioner, learned Government Pleader for Agriculture and Marketing, appearing for Respondent Nos.1 to 4 and learned Standing Counsel for Agricultural Market Committee, appearing for the Respondent Nos. 5 and 6.

5. Learned counsel appearing for the 5th respondent would submit that, as per the conditions of the licence, the licence shall

not be transferable and in case of change of the partners or directors of the firm, the same shall be notified/updated to the Director of Marketing within 15 days of such change coming into effect.

6. Having regard to the facts and circumstances of the case, without going into merits of the case, this Court is inclined to dispose of the writ petition by directing the 5th respondent herein to examine and pass appropriate orders on the representation dated 27.06.2023, in accordance with law, within a period of four (04) weeks from the date of receipt of the copy of the order, and communicate the said order to the petitioner herein.

7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 14.08.2023
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59

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