

GAHC010027252015



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/7518/2015

AGRICULTURAL MARKETING BOARD EMPLOYEE'S ASSOCIATION
REPRESENTED BY ITS GENERAL SECRETARY SRI BIPUL BHATACHARYYA,
ASSAM STATE AGRICULTURAL MARKETING BOARD, ULUBARI,
GUWAHATI 781007

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE CHIEF SECY. TO THE GOVT. OF ASSAM, DISPUR,
GUWAHATI-6

2:THE SECY. TO THE GOVT. OF ASSAM
AGRICULTURE DEPTT. DISPUR GUWAHATI-6

3:THE CHIEF EXECUTIVE OFFICER ASSAM STATE AGRICULTURE
MARKETING BOARD ULUBARI GUWAHATI-7

4:THE ASSAM STATE AGRICULTURE MARKETING BOARD ULUBARI
GUWAHATI-7 REPRESENTED BY ITS CHAIRMAN

Advocate for the Petitioner : MR.K N CHOUDHURY
Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 03.06.2024

Heard Mr. J. Patowary, learned counsel for the petitioner. Also heard Ms. R. Borah, learned standing counsel, Agriculture Department, and Mr. N. J. Gogoi, learned counsel, appearing on behalf of their respective respondents.

Mr. Patowary, learned counsel for the petitioner, has submitted that the respondent No. 2, herein, has filed an affidavit and therein, has brought on record a communication, dated 15.06.2020, wherein, a reference has been made to an ordinance "The Farmers Produce Trade and Commerce(Promotion and Facilitation) Ordinance, 2020", issued by the Government of India.

In pursuance of the said ordinance being issued; the Secretary to the Government of Assam, vide the communication, dated 15.06.2020, has required the jurisdictional Deputy Commissioners to ensure that no market fee or cess or levy by whatever name called under any State APMC Act or any other State law, shall be levied on any farmer or trader or electronic trading or transaction platform for trade and commerce in scheduled farmers' area.

In view of the said position, Mr. Patowary, learned counsel for the petitioner, submits that the said ordinance as well as the communication, dated 15.06.2020, would now be required to be challenged and accordingly, prays that the writ petition may be permitted to be withdrawn with liberty to the petitioner to challenge the said ordinance as well as the communication, dated 15.06.2020.

Prayer is accepted.

The writ petition accordingly stands dismissed on withdrawal. However, liberty is reserved to the petitioners to file appropriate applications if so advised,

to present a challenge to the said ordinance as well as the communication, dated 15.06.2020.

Interim order, if any, stands vacated.

JUDGE

Comparing Assistant