

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 35128 of 2014 (M)

PETITIONER(S):

**MARADU MARKET TRADERS' ASSOCIATION,
REG. NO. ER-391/08, ROOM NO. A - 1,
AGRICULTURAL URBAN WHOLESALE MARKET, NETTOOR P.O.,
ERNAKULAM - 682 040,
REPRESENTED BY ITS GENERAL SECRETARY, T.E.NADIRSHA.**

**BY ADVS.SRI.ASHIK K.MOHAMMED ALI
SMT.SAJNA T.UMMER
SMT.V.RAIMA RAMESH**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. DIRECTOR OF AGRICULTURE,
DIRECTORATE OF AGRICULTURE, VIKAS BHAVAN,
THIRUVANANTHAPURAM - 695 033.**
- 3. THE DIRECTOR OF AGRICULTURE (MARKETING),
DIRECTORATE OF AGRICULTURE, VIKAS BHAVAN,
THIRUVANANTHAPURAM - 695 033.**
- 4. THE DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD, ERNAKULAM - 682 030.**
- 5. THE SECRETARY,
AGRICULTURAL URBAN WHOLESALE MARKET, MARADU,
ERNAKULAM - 682 040.**
- 6. THE PRINCIPAL AGRICULTURAL OFFICER,
OFFICE OF THE PRINCIPAL AGRICULTURAL OFFICER,
CIVIL STATION, KAKKANAD, ERNAKULAM - 682 030.**
- 7. THE CHIEF EXECUTIVE OFFICER,
KERALA HEADLOAD WORKERS' WELFARE BOARD, SRM ROAD,
ERNAKULAM - 682 018.**

**R1 TO R6 BY GOVERNMENT PLEADER SRI.E.M.ABDUL KHADER
R7 BY ADV. SRI.C.S. AJITH PRAKASH, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 35128 of 2014 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE REGISTRATION CERTIFICATE.

EXHIBIT P2. TRUE COPY OF THE G.O(MS)NO.117/99/AD DATED 17.04.1999.

**EXHIBIT P3. TRUE COPY OF THE G.O.(RT)NO.1239/2003/LBR ISSUED BY THE
GOVERNMENT.**

**EXHIBIT P4. TRUE COPY OF THE ORDER NO.TM (1)11365/10 DATED 06.06.2010
ISSUED BY THE DIRECTOR OF AGRICULTURE.**

**EXHIBIT P5. TRUE COPY OF THE LETTER NO.AUWM 29/2009 07.10.2010 ISSUED BY
THE 5H RESPONDENT.**

**EXHIBIT P6. TRUE COPY OF THE JUDGMENT DATED 25.04.2014 IN
W.P(C)NO.11345 OF 2014.**

**EXHIBIT P7. TRUE COPY OF THE JUDGMENT DATED 10.04.2012 IN
W.P.(C)NO.8684 OF 2012.**

**EXHIBIT P8. TRUE COPY OF THER REPLY DATED 03.01.2013 GIVEN BY THE
5TH RESPONDENT.**

**EXHIBIT P9. TRUE COPY OF THE LETTER 09.12.2014 ISSUED BY THE
5TH RESPONDENT.**

**EXHIBIT P10. TRUE COPY OF THE REPLY DATED 15.04.2013 GIVEN BY THE
5TH RESPONDENT.**

**EXHIBIT P11. TRUE COPY OF THE REQUEST DATED 18.12.2014 GIVEN TO THE
4TH RESPONDENT.**

**EXHIBIT P12. TRUE COPY OF THE RECEIPT DATED 18.12.2014 ISSUED BY THE
4TH RESPONDENT.**

**EXHIBIT P13. TRUE COPY OF THE RECEIPT DATED 18.12.2014 ISSUED BY THE
5TH RESPONDENT.**

**EXHIBIT P14. TRUE COPY OF THE LIST OF TRADERS IN THE PETITIONER
ASSOCIATION.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

P.R. RAMACHANDRA MENON J.

~~~~~

W.P.(C) No. 35128 of 2014

~~~~~

Dated, this the 13th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

- 1) Call for the entire records pertaining to the facts narrated by the petitioner in the writ petition;
- 2) Issue a writ of mandamus, any other writ or order, directing the Respondent Nos. 1 to 5 to nominate the Non Official members, as stipulated in Ext. P2 Government Order, within a time frame to be fixed by this Honourable Court;
- 3) Issue a writ of mandamus, any other writ or order, directing the Respondent Nos. 1 to 3 to scrutinize or examine the decisions so far taken in the Executive Meetings of the Market at Maradu and whether the decisions were made against the interests of the traders and the growers behind their back.
- 4) Issue a writ of mandamus, any other writ or order, directing the 3rd respondent to suspend the Executive Meetings in accordance with the Clause 7 in Annexure III of the Ext. P2, Government Order;

5) Or issue a writ of mandamus, any other writ or order, directing the 6th respondent to perform the functions of the Executive Committee till it is legally constituted as per Ext. P2;

6) Such other relief's that this Honourable Court may deem fit and proper to grant, in the interest of justice."

2. The learned counsel for the petitioner submits that considering the relief sought for, particularly relief No. 2, the Government has passed Order bearing No. G.O. (MS) No. 13/15/AD dated 24.01.2015, whereby the members have already been nominated. A copy of the relevant proceedings is placed for perusal of this Court. In the said circumstances, this Court finds that nothing further remains to be considered. The writ petition is closed, leaving all other issues, if any, open.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**