

THE HON'BLE SRI JUSTICE A.V. SESA SAI

Contempt Case No.688 of 2014

ORDER:

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This is an application filed under Sections 10 and 12 of the Contempt of Courts Act, seeking to punish the respondents 1 to 4 for the alleged disobedience of the orders passed by this Court in W.P.M.P.No.16449 of 2011 in W.P.No.13575 of 2011 dated 30-04-2011.

Heard Sri Ch. Anjaneyulu, learned counsel for the petitioner and Sri K. Upender Reddy, learned Standing Counsel for the respondents-Agricultural Market Committee, and perused the material available before the Court.

Initially, the petitioner herein filed W.P.No.27516 of 2009 and the said writ petition was disposed of by this Court on 17-12-2009, directing the respondents to consider the representations of the petitioner dated 01-11-2008 and 17-07-2009 for renewal of licence bearing No.765/V and to pass appropriate orders within a period of two weeks from the date of receipt of the said order. In pursuance of the said order passed by this Court,

the 1st respondent herein, the Chairman of the Agricultural Market Committee, passed an order vide Lr.No.AMCG/LBN/35/2008-09/658, dated 26-12-2010, rejecting the request of the petitioner for renewal of licence for the period from 01-04-2008 to 31-03-2013.

Assailing the said order passed by the 1st respondent, the petitioner filed the present W.P.No.13575 of 2011. This Court while ordering *rule nisi*, passed an order on 30-04-2011 in W.P.M.P.No.16449 of

2011, permitting the petitioner to make an application before the respondents for renewal of his licence by paying late fee, with a further direction to the Market Committee to consider the same. Complaining violation of the said orders passed by this Court, the present contempt case has been filed.

Sri Ch. Anjaneyulu, learned counsel for the petitioner submits that the respondents herein by refusing to consider the application of the petitioner have exhibited utter disobedience of the orders passed by this Court. He further submits that having renewed the licence in favour of the similarly situated persons, the respondents are not justified in extending the same benefit to the petitioner herein. Learned counsel further submits that the 1st respondent, in contravention of the orders of this Court, passed an order bearing No.AMCG/LBN/35/2008-09/758, dated 26-08-2011, rejecting the request of the petitioner, for renewal. In support of his contention, the learned counsel relies upon the judgment of the Hon'ble Supreme Court in **Union of India and another v. V.B. Chandramohan**^[1].

Per contra, Sri K. Upender Reddy, learned Standing Counsel for the respondents strenuously contended that there is absolutely no wilful disobedience on the part of the respondents, as alleged by the petitioner, and they have correctly refused the request of the petitioner, in view of the mandatory provisions of Rule 50 of the A.P. (Agricultural Produce & Livestock) Markets Rules (for short 'the Rules') and Bye-law No.23(1)(2) of the Bye-Laws of the Market Committee, and that the respondents have no power or authority to extend the period, stipulated therein.

The material available before this Court manifestly discloses that the petitioner has approached this Court by way of filing the

present writ petition, questioning the order dated 26-12-2010 passed by the 1st respondent, rejecting the request of the petitioner, for grant of renewal of his licence. This Court passed an order in W.P.M.P.No.16449 of 2011, dated 30-04-2011, permitting the petitioner herein to make an application before the respondents, with a further direction to consider the same. It is also not in dispute that in pursuance of the said orders of this Court, the petitioner made an application dated 15-06-2011. However, the respondents issued Form No.5 to the petitioner, vide receipt No.92/44, dated 19-07-2011. It is also an admitted reality that after the receipt of the said application filed by the petitioner herein, in pursuance of the orders of this Court, the 1st respondent issued proceedings No.AMCG/LBN/35/2008-09/758, dated 26-08-2011, rejecting the request of the petitioner for grant of renewal in his favour. A perusal of the said proceedings issued by the 1st respondent candidly discloses that the Market Committee rejected the application of the petitioner on the ground that they have no power to consider the said application, in view of the provisions contained in Rule 50 of the Rules and Bye-law No.23(1)(2) of the Bye-laws. It is also an admitted reality that the petitioner herein filed the present Contempt Case No.688 of 2014 on 11-04-2014. There is absolutely no explanation offered by the petitioner herein as to why there was abnormal delay in approaching this Court by way of the present Contempt Case, when the 1st respondent passed the order on 26-08-2011. Further, no explanation is forthcoming as to why the application was made in June, 2011, when the order was passed by this Court on 30-04-2011. It is not as if the 1st respondent has rejected the request of the petitioner without assigning any reasons at

all. A perusal of the order dated 26-08-2011, passed by the 1st respondent clearly shows that he passed the said order while referring to the provision under the Bye-laws and the relevant Rules of the Market Committee. In the facts and circumstances of the case, the judgment relied upon by the learned counsel would not render any assistance to the petitioner.

This Court is of the considered opinion that when the 1st respondent refused to accede to the request of the petitioner by way of passing an order on 26-08-2011, it is incumbent on the part of the petitioner herein to assail the same. In that view of the matter, this Court is not inclined to accede to the request of the petitioner herein, in the present Contempt Case.

For the aforesaid reasons, the Contempt Case is dismissed, discharging the respondents herein. However, it is open for the petitioner herein, if so advised, to assail the order dated 26-08-2011 passed by the 1st respondent, by taking appropriate measures.

There shall be no order as to costs.

A.V. SESA SAI, J.

Dt.19-02-2015.

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[\[1\]](#) (2005) 10 SCC 649