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HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.16257 of 2007

ORDER:

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

“to issue a Writ, Order or direction especially one in the nature of Writ of Mandamus declaring the para No.4 (ii) of G.O.Ms.No. 451, dated 19-11-2005 is illegal, arbitrary, utter violation to the provisions of the Andhra Pradesh Markets Act and Violation of Article 14, 19 (1) (g) and 300-A of the Constitution of India.”

2. When the matter is taken up today, it is represented by the learned Counsel for the petitioner that the issue in the present writ petition is squarely covered by the Judgment of this Court in W.P.No.2402 of 2007 and batch dated 21.11.2014.

3. Following the said judgment and for the reasons recorded therein, Writ Petition is allowed and the impugned paragraph 4(ii) of G.O.Ms.No.451, Agriculture & Cooperation (MKTG.II) Department, dated 19.11.2005 is held contrary to Section 12(2) of the Act. However, this will not preclude the market committee from taking action in pursuance of the proviso to Section 12(2) of the Act wherever the situation demands. The miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:20.03.2015

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HON'BLE SRI JUSTICE A.V.SESHA SAI

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Between:

M/s.Ganga Devi Rice Mill, Nizamabad Rural,
Armoor, Nizamabad District, represented by
Mukka Radha Kishan, Son of Mukka Sairam,
Age 64 years, Occ: Business, R/o. Armoor,
Nizamabad District.

Petitioner

and

The Government of Andhra Pradesh, represented
By its Secretary, Food and Agriculture (Marketing
Department), Secretariat, Hyderabad and two others.

... Respondents

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