

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.18947 OF 2011

DATED:10-7-2015

Between:

The Wholesale Vegetable Vendors Welfare Association
Gudimalkapur
Hyderabad
Rep. by its Vice President
Mohammed Shaberuddin

... Petitioner

And

Government of Andhra Pradesh
Agriculture & Cooperation (AM-II) Department
Rep. by the Principal Secretary
Secretariat
Saifabad, Hyderabad
and others

... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. P. Gangaiah Naidi, Senior
Counsel,

for Mr. N.Bharat Babu

COUNSEL FOR RESPONDENT NOs.1 and 2: G.P. for Agriculture
COUNSEL FOR RESPONDENT NO.3: Smt. G. Neeraja Reddy
COUNSEL FOR RESPONDENT NOs.4 to 13: Mr. K. Madhava Reddy
COUNSEL FOR RESPONDENT NO.14: Mr. Penjuri Venugopal

THE COURT MADE THE FOLLOWING:
ORDER:

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This writ petition is filed for a mandamus declaring G.O. Ms. No.6, dt.12.1.2011, as illegal and arbitrary to the provisions of the Andhra Pradesh Agricultural (Produce & Livestock) Markets Act, 1966.

The petitioner, which is a Wholesale Vegetable Vendors Welfare Association, filed this writ petition purporting to espouse the cause of retail vegetable vendors.

The petitioner has averred that its members are carrying on retail business in vegetables at Wholesale Vegetable Market, Gudimalkapur, since two decades. That the Vegetable Commission Agents approached this Court by filing W.P. No.18840 of 1995 objecting to the allotment of shops to the retailers in the area meant for whole-sale vegetable market. This Court disposed of the said writ petition with a direction to respondent No.2 to take up the issue and resolve the dispute with a further direction to maintain status quo till such resolution of the dispute. That in pursuance of the said order, a resolution was passed by the Market Committee on 14.09.2007 to continue the retail traders in the market. That respondent No.2 in his proceedings dt.18.9.2008 permitted construction of sheds for retail vegetable vendors, on southern side of the flower market, Gudimalkapur, and sanctioned an amount of Rs.50,00,000/-. The petitioner felt aggrieved by G.O. Ms. No.6, dt.12.1.2011, wherein respondent No.2 was permitted to allot 78 numbers of shops of 10' x 30' in available space at Gudimalkapur Flower Market through open auction and also to allot place to 125 numbers of service providers for making garlands.

This Court has heard the learned counsel for the parties more

than once. At the hearing, Mr. P. Gangaiah Naidu, learned Senior Counsel for the petitioner, has invited this Court's attention to proceedings No.S.II(1)6782/2008, dt.18.9.2008, of respondent No.2, wherein he has allotted Rs.50,00,000/- for construction of sheds for the retail vegetable vendors at western side of the Flower Market, Gudimalkapur. He has also drawn this Court's attention to Resolution dt.14.9.2007 of the Agricultural Market Committee, Hyderabad, whereby the Executive Engineer (M), AMC, Hyderabad, was requested to prepare estimates for construction of model vegetable and retail market and shelter in the Ac.2.00 of land at the south west side of the Gudimalkapur Market yard.

Two sets of interveners have come on record. One set among them is wholesale vegetable vendors and another set is commission agents in flowers. During the hearing, it has come to light that in pursuance of the above mentioned proceedings of respondent No.2, as many as nine large sheds have been constructed, which are meant to be allotted to retail vegetable vendors. When the learned Senior Counsel has submitted that in addition to the nine sheds, the area admeasuring Ac.2.00 (including the land occupied by the sheds) is liable to be handed over to the petitioners, this Court has called upon the Secretary of the Agricultural Market Committee, Hyderabad, to get the land occupied by the sheds, measured. Today, he has placed before this Court a sketch showing that an extent of Ac.1.90 cents is available within the blue colour marked portion of the sketch and that out of the said site Ac.0.66 cents of the land was acquired by the Greater Hyderabad Municipal Corporation for laying road.

The learned Government Pleader for Agriculture and the learned Standing Counsel for the Hyderabad Agricultural Market Committee submitted that having regard to the subsequent event relating to acquisition of Ac.0.66 cents land, the resolution passed by the Agricultural Market Committee for construction of sheds in Ac.2.00 of land cannot be implemented.

From the averments in the writ petition it is evident that the petitioner is interested in allotment of sheds to retail vegetable vendors and this writ petition is filed on the apprehension that these sheds may be allotted to the service providers for making garlands. Even the prayer in the writ petition is also confined to allotment of constructed adjacent to Flower Market to the petitioner association. Therefore, this Court feels that it would be appropriate to grant the relief as sought for by the petitioner in the writ petition without adjudicating on the entitlement or otherwise of the retail vegetable vendors for allotment of any area in addition to the area occupied by the sheds. The Secretary, Agricultural Market Committee, who is present at the hearing has submitted that the Market Committee is prepared to handover the nine sheds which are already constructed to the retail vegetable vendors on their making applications.

Accordingly, respondent No.3 is directed to issue a public notice inviting applications from the retail vegetable vendors for allotment of the sheds by fixing a reasonable time for making such applications. The notice shall be given wide publicity by publishing the same in local newspapers. The retail vegetable vendors are permitted to make applications before respondent No.3. Within one month from the date of receipt of such applications, respondent No.3 shall scrutinize the applications, and thereafter hold auction among the applicants and allot the sheds to the successful bidders. He shall complete the process within two months from the date of receipt of the applications. It is needless to observe that respondent Nos.2 and 3 shall be free to use the rest of the market area including that covered by G.O. Ms. No.6, dt.12.1.2011, for purposes for which they are earmarked.

Subject to the above observations and directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.22891 of 2011 and W.V.M.P. No.3512 of 2011 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

10-7-2015

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