

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

FRIDAY, THE SIXTH DAY OF MARCH,
TWO THOUSAND AND FIFTEEN

:PRESENT:

**THE HON'BLE SRI KALYAN JYOTI SENGUPTA, THE CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR**

WP .NO: 5530 of 2015

Between:

- 1 Sunketa Ravi S/o Rajamallu,
- 2 Malavath Raju Naik S/o Shivalal,
- 3 Mohd. Mustaq S/o Jaffar,
- 4 Medam Ramesh S/o Laxmaiah,
- 5 Anguandula Dayanand S/o Rajanna,
- 6 Smt. Rudraveni Savitri S/o Rajalingu,
- 7 Pothanaka Srinivas S/o Rajanna,
- 8 Soma Deva Reddy S/o Chinna Narsaiah,
- 9 Singireddy Shekar S/o Chinna Rajanna,
- 10 Abdul Raffi S/o Shaheed,
- 11 Boga Ramesh S/o Dharmapuri

..... Petitioners

AND

- 1 The State of Telangana, Rep. by its Secretary to Government, Legal Affairs, Legislative Affairs and Justice, Law Department, Secretariat, Hyderabad.
- 2 The State of Telangana, Rep. by its Principal Secretary to Government, Agriculture & Cooperation (MKT.I) Department, Secretariat, Hyderabad.
- 3 The Commissioner and Director of Agriculture, Government of Telangana, Hyderabad.
- 4 The Person Incharge (Assistant Director of Marketing, Nizamabad), Agricultural Market Committee, Kammarpally, Nizamabad District.
- 5 The Secretary, Agricultural Market Committee, Kammarpally, Nizamabad District.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue any appropriate Writ, Order or direction more in the nature of Writ of Mandamus: a) Declaring the action of the 1st Respondent in issuing the Telangana Ordinance No.1 of 2015 dated 13-2-2015 where under Chairman, Vice-Chairman and Members of Agricultural Market Committee, Kammarpally, Nizamabad District are terminated prematurely by reducing their term from 3 years to one year retrospectively w.e.f. 1-1-2012 by bringing amendment to Section 5 of Telangana (Agricultural Produce and Livestock) Markets Act, 1966 by inserting proviso to Sub-Section 3 of Section 5 of the Act as illegal, arbitrary, unconstitutional as the same is violative of Articles 13, 14, 15 and 16 of Constitution of India apart from violation of the Telangana (Agricultural Produce

and Livestock) Markets Act, 1966 and the same may be struck down. b) Declare the consequential orders issued by the Respondent No.2 vide Memo. No.954/MKT.I/2015.1 Agriculture and Cooperation (Marketing.I) Department dated 14-2-2015 and the Proceedings No.S- I(G)333/NZB/2014 dated 14-2-2015 issued by the Respondent No.3 as illegal, arbitrary, violative of Article 14 of the Constitution of India apart from violative of provisions of Telangana (Agricultural Produce & Live Stock) Markets Act 1966 and set aside the same. c) Consequently direct the Respondents to continue the petitioners as Chairman, Vice-Chairman and members respectively of Agriculture Market Committee, Kammarpally, Nizamabad District which the petitioners held and lost by virtue of the Telangana Ordinance No.1 of 2015 dated 13-2-2015.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of Sri V. Ravi Kiran Rao, Advocate for the Petitioners, G.P. for Law (Telangana) for Respondent No.1 and G.P. for Agriculture (Telangana) for Respondent Nos.2 & 3, the Court made the following

ORDER:

Since the Ordinance has been challenged, notice shall be issued to the learned Advocate General of the State of Telangana.

Post the writ petition along with W.P. No. 3882 of 2015.

Status-quo, as on today with regard to the functioning of the Market Committee, shall be maintained until further orders.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Secretary to Government, Legal Affairs, Legislative Affairs and Justice, Law Department, State of Telangana, Secretariat, Hyderabad.
 - 2 The Principal Secretary to Government, Agriculture & Cooperation (MKT.I) Department, State of Telangana, Secretariat, Hyderabad.
 - 3 The Commissioner and Director of Agriculture, Government of Telangana, Hyderabad.
 - 4 The Person Incharge (Assistant Director of Marketing, Nizamabad), Agricultural Market Committee, Kammarpally, Nizamabad District.
 - 5 The Secretary, Agricultural Market Committee, Kammarpally, Nizamabad District.
- (Addressees 1 to 5 BY RPAD)**
- 6 The Advocate General (State of Telangana), High Court at Hyderabad.
- (By Spl. Messenger along with a copy of petition and affidavit)**
- 7 The Registrar (Judicial), High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh.
 - 8 One CC to Sri V. Ravi Kiran Rao, Advocate (OPUC)
 - 9 Two CCs to the G.P. for Law (Telangana), High Court, Hyderabad. (OUT)
 - 10 Two CCs to the G.P. for Agriculture (Telangana), High Court, Hyderabad.

(OUT)
11 Two spare copies.
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HIGH COURT

**HCJ
&
SK,J**

DATED: 06-03-2015

NOTE: Post along with WP No.3882 of 2015

ORDER

W.P.NO. 5530 OF 2015

DIRECTION

HIGH COURT

Nnr

Date of Drafting : 07-03-2015

**HCJ
&
SK,J**

DATED: 06-03-2015

NOTE: Post along with WP No.3882 of 2015

ORDER

W.P.NO. 5530 OF 2015

DIRECTION