

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

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF FEBRUARY
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:4317 of 2015

Between:

- 1 Akula Srinivas S/o Ramulu.
- 2 Bodke Srinivas S/o Gundaiah.
- 3 V. Balkishan S/o Madhaiah.
- 4 Bissa Balaiah S/o Balraj.
- 5 Mogula Subhash Chandra Goud S/o Narsa Goud.
- 6 Jagmal Nayak S/o Tharachand.
- 7 Erram Swami S/o Pochaiah.
- 8 Syed Ahmed S/o Abdul.
- 9 Smt. Kulakarni Jamuna W/o Tukaram Rao.
- 10 Parshi Srinivas S/o. Ramulu.
- 11 L.Ramesh S/o Gangaram.
- 12 Puram Balreddy S/o Yellaiah.

..... 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 Telanganana, 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), Agricultrual Market Committee, Gandhari, Nizamabad District.
- 5 The Secretary, Agricultural Market Committee, Gandhari, 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 13-02-2015 where under Chairman, Vice-Chairman and Members of Agricultural Market Committee, Gandhari are terminated prematurely by reducing their term from 3 years to one year retrospectively w.e.f. 01-01-2012 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.1/2015.1 Agriculture and Cooperation (Marketing.I) Department, dated 14-02-2015 and the Proceedings No.S-I(G)333/NZB/2014, dated 14-02-2015 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 reinstate the petitioners into their position which the petitioners held and lost by virtue of the Telangana Ordinance No.1 of 2015, dated 13-2-2015;

-

W.P.M.P.No.5722 OF 2015

-

Petition under Section 151 of C.P.C. Praying that in the circumstances stated in the affidavit filed in W.P. the High Court may be pleased to direct the Respondents to reinstate the petitioners into their position which the petitioners held and lost by virtue of the impugned Ordinance No.1 of 2015, dated 14-2-2015 by suspending 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, pending disposal of W.P.No. 4317 of 2015 on the file of the High Court.

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 and of Learned Advocate General for State of Telangana for Respondents, for Respondents, and the Court made the following:

-

ORDER:

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

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 Telanganana, 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, Gandhari, Nizamabad District.
- 5 The Secretary, Agricultural Market Committee, Gandhari, Nizamabad District. (1 to 5 BY RPAD)
- 6 One CC to SRI V.RAVI KIRAN RAO, Advocate (OPUC).
- 7 Two CCs to THE ADVOCATE GENERAL (T.G.), HIGH COURT, HIGH COURT BUILDINGS, HYDERABAD (OUT).
- 8 Two spare copies.

SRL

HIGH COURT

HCJ & SKJ

DATED: 26.02.2015

ORDER

W.P.NO. 4317 OF 2015

STATUS-QUO

HIGH COURT

Drafted by: SRL
Date of Drafting : 02.03.2015

HCJ & SKJ

DATED: 26.02.2015

ORDER

W.P.NO. 4317 OF 2015

STATUS-QUO