

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.14936 of 2010

ORDER:

This Writ Petition is filed seeking a writ of mandamus declaring the proceedings issued by the respondent No.1-District Collector, Guntur, in Rc.No.199/09/GRII, dated 08.05.2010, as illegal and arbitrary.

It is submitted by the learned counsel for the petitioner as well as learned Government Pleader for Agriculture that the issue raised in this writ petition is squarely covered by an order of this Court in W.P.No.11693 of 2010 and batch, dated 03.01.2014. In the operative portion of the said order, it was categorically held as follows:

“In this batch of cases, the petitioners approached this Court challenging the action of the District Collector and this Court has a duty to see whether the District Collector has acted within his authority in fixing the price for storage of chilli bags by the farmers and also in demanding the excess amount alleged to have been collected by the petitioners for refund to the farmers. This court has a duty to protect the business rights of the petitioners also under Art.19(1)(g) of Constitution of India and cannot order refund of the alleged excess amount collected from the farmers even if the farmers approach this court without showing any violation of law. The farmers are consumers vis-à-vis the cold storage owners and the farmers have other remedies open for settlement of their grievances. The District Collector cannot stay as mediator where he is not supposed to sit. The impugned order passed by the Joint Collector/1st respondent is clearly without jurisdiction and not sanctioned by any provisions of law.

Consequently, all the writ petitions are allowed and the respondents are directed to refund the amount to the petitioners, deposited by them in pursuance of the interim orders passed by this Court. No order as to costs. As a sequel, Miscellaneous Petitions, if any, pending in this petition shall stand closed.”

3) With the above same direction, the Writ Petition is allowed. There shall be no order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE CHALLA KODANDA RAM

Date:06.11.2015

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