

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

WRIT PETITION NO.127 OF 2012

DATED:15-7-2015

Between:

Sri Kanaka Durga Mutually Aided Agro Products
Cooperative Marketing Society Ltd.,
Vijayawada
Rep. by its President N. Ravi Chandra

.. Petitioner

And

The Government of Andhra Pradesh
Rep. by its Principal Secretary, Agriculture &
Cooperation (Marketing-II) Department
Secretariat Building
Hyderabad
and others

.. Respondents

COUNSEL FOR THE PETITIONER: Smt. V. Himabindu, for
Smt. K. Sesharajyam

COUNSEL FOR RESPONDENT NOS.1 to 3: A.G.P. for Agriculture
(AP)

COUNSEL FOR RESPONDENT NO.4: None appeared

THE COURT MADE THE FOLLOWING:

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ORDER:

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This writ petition is filed for a mandamus to set aside proceedings No.A1/188/2/2011, dt.23.12.2011, of respondent No.2, in respect of closure of stall No.41-42 of Kedareswarapeta Rythu Bazar, Vijayawada, as illegal and arbitrary.

The above mentioned stall in the Rythu Bazar was allotted to the petitioner on 11.5.2009. On the ground that the original members of the petitioner were not attending the business and that the petitioner has allowed unauthorized persons to run the business, proceedings for cancellation of the allotment were initiated. After show cause notice was issued to the petitioner, respondent No.2 has issued the impugned proceedings dt.23.12.2011 cancelling the allotment made to the petitioner. Feeling aggrieved by the same, the petitioner filed this writ petition.

This Court has granted interim order in favour of the petitioner on 3.1.2012 on the strength of which the petitioner is in possession of the stall.

At the hearing, learned Assistant Government Pleader for Agriculture (AP) placed before this Court G.O. Ms. No.29, dt.16.2.2012, under which guidelines were laid down for allotment of stalls in Rythubazars. Paragraph 3(f) of Annexure-I of the said G.O., prescribed maximum period of allotment as three years. Considering the fact that the petitioner was allotted the stall as far back as the year 2009 and six years had elapsed since such allotment, it is not entitled to further continuance in the stall. In this view of the matter, it is unnecessary for this Court to adjudicate the legality or otherwise of the impugned cancellation proceedings.

Hence, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, interim order dt.3.1.2012 shall stand vacated and W.P.M.P. No.162 of 2012 and W.V.M.P. No.857 of 2012 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

15-7-2015

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