

HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.26206 OF 2012

ORDER :

Heard Mr.Vivek for petitioners and Government Pleader.

The petitioners pray for Mandamus directing respondents to grant licence to petitioners to carry on business as fruit commission agents in the fruit market yard at Gadduiannaram.

It is cannot be said in the case on hand that the petitioners have not disclosed the totality of circumstances under which they were compelled to approach this Court for the relief referred to above. It may be that the prayer is slightly broad viz., to consider the entitlement of the petitioners for grant of licence. It is matter of record that a revision was filed in Case No.S-III (1) 1799/2010 before the Commissioner and Director of Agricultural Marketing, Government of Andhra Pradesh, Hyderabad against the order of primary authority. The Commissioner vide order dated 14.04.2011 has held as follows:

“Sri M.Satyanarayana Reddy & 4 others have filed Revision Petition before the Commr. & Director of Marketing for grant of Licence in Fruit Market, Gaddiannaram as per the orders of the Hon'ble High Court Dt.06.09.2010 in the WP22189/10. Sri G.Nagesh, Advocate on behalf of the Revision Petitioners and Secretary, Agricultural Market Committee, Gaddiaannaram have attended the hearing on 23.11.2010. Heard the Revision Petition.

Under the circumstances reported by the petitioners, the Secretary, Agricultural Market Committee, Gaddiannaram is requested to take necessary action as per the provisions of section 32 of Markets Act and as per G.O.Ms.No.260 A&C AM.IV Dept. Dt.28.09.2010 duly following the procedure in Vogue.”

Learned Government Pleader submits that the Secretary is yet to pass necessary orders as directed by the Commissioner and Director of Agricultural Marketing Committee.

I have perused the counter affidavit filed by Secretary/3rd respondent. *Prima Facie* , this Court is of the view that the Secretary

ought to have complied with the directions issued by the Commissioner and Director. Parties would have had advantage of knowing where they stand and work out the legal remedies if any adverse order is passed. If this Court considers the stand taken in the counter affidavit and prejudices the issue, the claims of petitioners for grant of licence as commission agents will be prejudged. I am satisfied that having regard to the above circumstances, the writ petition can be disposed of by this order.

The petitioners are given liberty to represent to 3rd respondent by enclosing a copy of this order within four weeks from today for taking necessary action as directed through proceedings dated 14.04.2011. The 3rd respondent within six weeks thereafter considers and takes appropriate action as directed through proceedings dated 14.04.2011. The petitioners have been making efforts for quite sometime to persuade the 3rd respondent about their entitlement. Therefore, the 3rd respondent is also directed to afford opportunity to petitioners to present their case. The writ petition is disposed of as indicated above. No order as to costs.

Miscellaneous petitions pending if any stand disposed of.

S.V. BHATT, J

Date:06.06.2016

Stp