

THE HON'BLE JUSTICE CHALLA KONDA RAM

WRIT PETITION No.20005 of 2016

ORDER:

The writ petition is filed seeking a direction to declare the action of the respondent-authorities in commissioning a Rythu Bazaar in R.S.No.154/5, situated at Tiruvur, Krishna District, as in violation of the provisions of the A.P. Agriculture (Agricultural Produce & Livestock Market Act, 1966 (for short, "the Act") and also the provisions of the G.O.Ms.No.58 dated 31.03.2012.

Heard the learned counsel for the petitioner and the learned Government Pleader for Agriculture and Cooperation and the standing counsel for the respondents 3 and 4.

In the writ petition, the establishment of Rytu Bazaar in Sy.No.154/5 is questioned on the following grounds:

- i) That the property in Sy.No.154/5 is a village poromboke and the same is vested with the Gram Panchayat and the Gram Panchayat by resolution dated 28.9.2009 has opposed the establishment of a vegetables market in the said Sy.No.
- ii) The opening of Rythu bazaar is in violation of distance norms stipulated in G.O.Ms.No.58 dated 13.8.2012.
- iii) The land in Sy.No.154/5 vests with the Gram Panchayat and unless the property is divested by issuance of a notification from the Gram Panchayat and thereafter by issuing a notification vesting in the Government when the land belonging to the Gram Panchayat cannot be made over to Agricultural Market Committee.

When the matter has taken up for hearing, the learned counsel for the petitioner has placed reliance on the orders passed by this Court in W.P. 18709 of 2009 dated 25.03.2012 and W.P.No.36522 of 2012 dated 13.08.2015.

A perusal of the above said orders leave no manner of doubt that on the earlier occasion one Poornachandra Rao claimed to be a vegetable vendor had questioned the proposed establishment of rythu bazaar in Sy.No.154/5 and this Court had dismissed the said

writ petitions. Though in the present writ petition, it has been stated that one Kota Nageswarao and others have filed W.P. No.7412 of 2016 and the said writ petition is pending before this Court, a verification with the High Court records discloses that the subject matter of the said writ petition is not in any way connecting to establishment of market in Sy.No.154/5. The said writ petition is pending before the Division Bench of this Court wherein the challenge of the said writ petition against the order dated 30.09.2015 of the Central Administrative Tribunal, Hyderabad in O.A.No.570 of 2013. In those circumstances, as the matter is already concluded by this Court which has become final, and applying the principles of constructive *resjudicata*, the writ petition is liable to be dismissed.

The writ petition is accordingly, dismissed. No order as to costs.

Miscellaneous Petitions if any pending shall also stand closed.

CHALLA KODANDA RAM,J

Date:26.07.2016
Gk.

THE HON'BLE JUSTICE CHALLA KONDA RAM

-
-
-
-
-
-
-
-
-
-

WRIT PETITION No.20005 of 2016

-
-

Date:26.07.2016

Gk.