

HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.12335 OF 2011

ORDER :

Heard learned counsel for the petitioner and the learned Government Pleader.

The petitioner prays for the following relief:

“...to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in highhandedly levying and collecting market fee from the members of the petitioner society, by detaining their vehicles, for the business done by them i.e. Post Larva Shrimp Seed production as being illegal, arbitrary, without jurisdiction and being violative of Article 14 of the Constitution of India and consequently, direct the respondents not to levy and forcibly collect market fee from the members of the petitioners or detain their vehicles while the produce is in transit, pending disposal of the above writ petition..”

The petition is filed by the Association and the prayer relates to alleged levy and collection of market fee from the members of petitioner association. After perusing the material available on record, this Court is of the view that the prayer is in general terms and if at all any one of the members of the association is subjected to unauthorized levy and collection of market fee by respondents, it is an independent cause of action to be worked by such member. The writ petition is dismissed, but liberty is granted to members of petitioner association to challenge the levy and collection of market fee if it is otherwise found to be objectionable in law.

Writ petition is dismissed with the above observation. No order as to costs.

S.V. BHATT, J

Date:03.06.2016

Stp