

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 29016 OF 2009

ORDER:

Heard Sri P. Gangaiah Naidu, learned Senior Counsel for petitioners and Smt. G. Neeraja Reddy, learned Standing Counsel for respondents.

2. Petitioners pray for the following reliefs:

“(i) declaring the action of the respondents in not granting new licences under Section 7 of the A.P. (Agricultural Produce and Livestock) Markets Act 1966 to carry on business in vegetables in view of bifurcation of Agricultural Market Committee, Hyderabad into Agricultural Market Committee, Hyderabad, Agricultural Market Committee, Gaddiannaram and Agricultural Market Committee, Bowenpally, as illegal, arbitrary and untenable.

(ii) and further declare that the action of the respondent in not permitting the petitioners to carry on the business at their respective allotted shops by issuing tak-pattis at L.B. Nagar Market Yard, as illegal and contrary to the provision of the Act and Rules.

(iii) and direct the respondents to regularise the allotment of shops to petitioners at L.B.Nagar Market Yard allotted in the year 1995 to carry on their business and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case”

3. In paragraph 7 of the writ affidavit, the petitioners allege that the respondents are not willing to receive the applications of the petitioners, for grant of licences, consider and pass appropriate orders in accordance with law. It is further stated that the petitioners are prepared to file the applications by

paying the fee required in this behalf and the respondents cannot refuse to receive or consider the applications on merits and pass appropriate orders.

4. Learned Standing Counsel by drawing the attention of the Court to the counter affidavit filed by the respondents tried to justify the actions of respondents in not receiving the applications of petitioners for grant of licences under A.P. (Agricultural Produce and Livestock) Markets Act, 1966 (for short "the Act")

5. I have perused the material available on record and prima facie I am of the view that the respondents are discharging functions under the Act. The respondents cannot refuse to receive the applications of the petitioners for grant of licences.

6. Therefore, the Writ Petition is disposed of by giving liberty to petitioners to file applications with prescribed fee for grant of licence for doing business at L.B. Nagar Market Yard within four weeks from the date of receipt of a copy of this order before the second respondent together with a copy of this order and the second respondent is directed to consider each one of the applications in accordance with the extant policy and procedure prescribed under the Act, pass orders within 12 weeks therefrom. It is made clear that this Court is

not expressing any view on the merits canvassed by the petitioners or the reasons stated by the respondents for not receiving the applications. This Court expects the second respondent to consider the applications and pass orders as indicated above. No order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

JUSTICE S.V. BHATT

DATE: 28.03.2016

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