

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5811 OF 2016

ORDER:-

The Writ Petition is filed by the petitioners seeking a Writ of Mandamus to declare the action of the respondents in not allowing the petitioners to do mango fruit trading business at Chalgal Market Yard as illegal, arbitrary and against the principles of natural justice and violative of Articles 14 and 21 of the Constitution of India.

Heard both the learned counsel.

The case of the petitioners is that as per the licenses issued by the 4th respondent-Assistant Director, Agriculture Marketing, Karimnagar, they have been carrying on the business of mango trading in the allotted slots in Chalgal Market Yard by raising temporary sheds since 2010. Though their licenses are valid till 31.03.2018, the respondent Nos.2 to 4 have issued a series of notices dated 06.04.2015, 02.07.2015 and 04.08.2015 directing them to remove the temporary sheds raised by them. Hence, the petitioners sought a direction to the respondents not to demolish the temporary sheds of the petitioners and to allow them to carry on the mango fruit trading business at Chalgal Market Yard.

This Court vide its order dated 10.03.2016 directed the Joint Collector, Karimnagar to inspect the Market yard and submit a factual report, particularly whether the sheds which have been put up by the petitioners are in the middle of the market yard and obstructing the movement of vehicles in the market yard. Accordingly, the Joint Collector, Karimnagar has submitted his inspection report to this Court on 27.03.2016. The said report reveals that in 2015 about 14 Commission agents erected permanent sheds instead of thatched temporary sheds and some others erected the thatched structures.

However, at the end of the season the structures have neither dismantled nor removed, therefore, a notice dated 04.08.2015 has been issued directing them to remove the iron structures in three days, but they have not removed the same, thereby it is creating traffic and congestion issues and also in view of the unplanned and haphazard constructions made by some of the commission agents it causes an obstacle for proper planning and developing the infrastructure in the area and easing out traffic congestion.

Therefore, in the light of the report submitted by the Joint Collector after inspection of the site, I do not consider it is desirable to interdict the market committee from removing the sheds when admittedly petitioners have erected them unauthorisedly. Accordingly, the writ petition is dismissed.

Miscellaneous Petitions, if any, pending in this writ petition shall also stand closed. There shall be no order as to costs.

JUSTICE CHALLA KODANDA RAM

DATE:29.03.2016

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