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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 11576/2016 & CM 45604/2016 (stay)**

KISAN SABJI MANDI NANGLOI AADTHI AND ORS

..... Petitioners

Through : Mr. Kirti Uppal, Sr. Advocate with
Mr. P.I. Jose, Mr. Shashank Mishra,
Mr. Kunal Manav and
Mr.Siddharth Chopra, Advocates

versus

GOVT OF NCT OF DELHI AND ORS

..... Respondents

Through : Mr. D. Rajeshwar Rao, Advocate
for R-1, 4 and 5.

Ms. Avnish Ahlawat and

Ms. Latika Chaudhary, Advocates for R-2 & 3.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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08.12.2016

1. In view of the plea taken yesterday by Ms. Ahlawat, counsel for respondents No.2 and 3 that the present petition filed by Kisan Subzi Mandi Nangloi Aadhti Association for adding the names of its members to the electoral list to enable them to cast their votes in the election to be conducted on 12.12.2016, for filling up the vacancies in the Delhi Agricultural Marketing Board, APMC MNI Azadpur and for constituting new Marketing Committees in terms of the Notification dated 8.11.2016, is not maintainable, she was directed to obtain clear instructions.

2. Today, Ms. Ahlawat, learned counsel for respondents No.2 and 3 states that the petitioners herein had filed a writ petition in this Court in the year 2014, wherein they have sought quashing of the Notification dated 2.9.2014 issued by the Directorate of Agricultural Marketing declaring that regulation of marketing of fruits and vegetables shall cease beyond the markets/market yards/sub-yards of the respective Marketing Committees, including APMC MNI, Azadpur, APMC, Keshopur and APMC, Shahdara, with immediate effect. Further, the petitioner has sought quashing of the decision of the APMC, Keshopur dated 23.9.2014, intimating its members that they propose to cancel their licences. She states that the aforesaid petition along with the connected petitions is listed for arguments on 11.1.2017. She hands over a copy of the written synopsis filed by the respondents No.2 and 3 in one of the connected petitions, registered as WP(C)No.7841/2014, with a copy to the other side. The same is taken on record.

3. Ms. Ahlawat states that till the entitlement of the members of the petitioner to a licence is decided in the pending petition, the question of their being permitted to vote on the strength of licences that are no longer in existence, does not arise.

4. Mr. Jose, learned counsel for the petitioner states that as the substantive question raised with regard to the legality and validity of the Notification dated 2.9.2014 is under consideration in WP(C)8281/2014 and some connected petitions, which are pending decision before another Bench, the petitioner may be permitted to withdraw the present petition, while reserving its rights to raise the aspect of the right of its members to cast their vote the elections to be held in future in the event they succeed in the said

petition and to challenge the elections that are proposed to be held on 12.12.2016.

5. Leave, as prayed for, is granted. The writ petition is dismissed as withdrawn, along with the pending application.

HIMA KOHLI, J

DECEMBER 08, 2016

sk/ap

