

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.8537 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“To issue a Writ, Order or Direction more particularly in the nature of Writ of Mandamus, declaring the action of the 5th respondent in not granting / renewing the license of the petitioner's firm bearing License No. 378/2008-13, as a commission agent insisting that the conditions with respect to security deposits be fulfilled as laid down in G.O.Ms.No. 57, Agricultural and Co operation (AM-11) Department, dated 12.10.2015, by issuing a common notice in Rc.No. 384/2015 dated 30.10.2015 is illegal, arbitrary, irrationality and non application of mind in violation of Article 14, 19 (1) (g) and 21 of the Constitution of India and openly run in conflict with GO Ms No. 64 Agrl& Co-op. (AM-IV) Department dated 11.06.2013 and stultifies/derogates the operation of Section 7 (1) and 7 (1) (b) of AP (AP &LS)Markets Act, 1966 as amended by Act 14 of 2015 and defeats the very purport of Rule 48 (5) & 50 (2) of AP (AP &LS)Markets Act, 1969 and consequently direct the respondents no.4 and 5 to grant / renew the license of the petitioner from bearing License No. 378/2008-13 for the period of 2013-2018, in terms of GO Ms No. 190 dt, 6.4.1994, by enforcing GO Ms No. 64 Agrl& Coop. (AM-IV) Department dated 11.06.2013.”

2. It is stated by the counsel for petitioner as well as Sri Ch.Srinivas, Standing Counsel for 4th respondent that the issue raised in this Writ Petition is covered by the order dt.02.12.2015 in W.P.No.39011 of 2015

3. Therefore for the reasons alike, this Writ Petition is also allowed; the respondents 2 to 5 are directed to consider the petitioner's application for grant of commission agent license without reference to the G.O.Ms.No.57 Agriculture and Cooperation (AM-II) Department, dt.12.10.2015, but by

applying the norms in G.O.Ms.No.190 Agriculture and Cooperation (MKTG.I) Department dt.06.04.1994 and communicate its decision to the petitioner within two (02) weeks from the date of receipt of a copy of this order. Consequently, Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:10.03.2017
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Dated 10.03.2017

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