

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.29363 of 2017

ORDER:

This Writ Petition is being disposed of at the admission stage after hearing the learned counsel for petitioner and the learned Standing Counsel for respondents.

The petitioner association was established in the year 1963 and was registered. There are nearly 700 members in the association and the main object of establishing the association is to resolve any disputes with the Agricultural Market Committee to the members of association, to resolve any disputes with the farmers and to see the welfare of the association members. The petitioner states that the commission agents who applied for licence from respondent No.5 shall submit an application along with relevant documents and respondent No.5 shall issue or renew the licence as per Rule 48(5) or 50(2) of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Rules, 1969. Rules 48 to 50 thereof provide for the procedure for issuance of licence. The commission agents in the petitioner association applied for renewal of licence. They paid the requisite licence fee and in spite of the same, when they were not issued the licence, the present writ petition is filed.

Learned Standing Counsel for the respondents submits that even though there was change in the constitution of the

firm, renewal of licence is being sought in the name of the old firm, and in those circumstances only the renewal is being denied.

The Market Committee should know that the name of the firm can continue in spite of change in the partners. When once a licence was issued in the name of the firm, irrespective of the change of partners, so long as the firm continues, the firm is entitled to apply for licence, provided it fulfills the conditions for grant of licence.

In view of the above, the Writ Petition is allowed directing respondent No.5 to consider the applications of the firms, who were earlier granted licence and applied for renewal, irrespective of change in the constitution of the firm, provided they fulfill the requisite conditions for renewal of licence. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

31.08.2017
vs

(A.RAMALINGESWARA RAO, J)