

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.38370 OF 2017

O R D E R :

This petition is filed for a writ of *Mandamus* declaring the orders of respondent No.2 vide Proceedings No. SIII(2)/9952/2015, dated 21.08.2017, as illegal and arbitrary and contrary to the law and provisions of the Telangana (Agricultural Produce & Live Stock) Markets Act, 1966 (*for short 'the Act'*) and the Telangana (Agricultural Produce & Livestock) Markets Rules, 1969 and for a consequential direction to set aside the same.

Learned counsel for the petitioner submits that when petitioner filed revision under Section 12 F of the Telangana (Agricultural Produce & Live Stock) Markets Act, 1966 (*for short 'the Act'*), pending revision, the reversionary authority constituted a committee comprising of four officers and basing on the report submitted by the said committee, passed the impugned order dated 21.08.2017, without affording an opportunity to the petitioner to appear before the committee; and that a copy of the said report was also not furnished to the petitioner. He further submits that the matter can be remanded back to the 2nd respondent.

Sri G.Neeraja Reddy, learned Standing Counsel for respondent No. 3 submits that petitioner has remedy of appeal under Section 12 G of the Act.

Learned Assistant Government Pleader for respondents 1 and 2 submits that burden lies on the petitioner to prove that he is entitled for exemption under bye-law 24 of the bye-laws.

It is to be seen that the impugned order is passed basing on the report of the Committee which is called for by the 2nd respondent pending revision and the petitioner was also not furnished copy of the said report. It is alleged that even the committee also did not issue notice to the petitioner. Though appeal lies under Section 12 G of the Act, since the 2nd respondent passed orders in violation of principles of natural justice by calling a report from the committee pending revision and the said report is not furnished to the petitioner, only on the ground of violation of principles of natural justice, the impugned order is set aside. The 2nd respondent is directed to dispose of the revision, afresh, after serving a copy of the report of the committee on the petitioner and after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. If petitioner does not cooperate, it is open for the 2nd respondent to pass appropriate orders on merits.

Accordingly, the writ petition is allowed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

05.12.2017

t k.