

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

WRIT PETITION No.45140 of 2016

ORDER:

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

“to issue writ of mandamus to declare the action of the 2nd and 3rd Respondents in not permitting the Petitioner Concern to participate in e-trading to purchase chillies from the notified area of Agricultural Market Committee, Guntur in terms of the license held by the Petitioner vide No.CE02032 issued under Section 7(1) of the Andhra Pradesh (Agriculture Produce and Livestock) Markets, Act, 1966 is absolutely arbitrary, illegal and in violation of Article 19(1)(g) of the Constitution of India and consequently direct the 2nd and 3rd Respondents to permit the Petitioner concern to participate in e-trading to purchase chillies from the notified area of Agricultural Market Committee, Guntur.”

Heard, Sri Y. Ashok Raj, learned counsel for the petitioner, learned Government Pleader for Agriculture for respondent No.1 and Sri Ch. Srinivas, learned Standing Counsel for respondents 2 and 3, apart from perusing the material available before this Court.

According to the petitioner, it is a proprietary concern involved in the business of chilli and chilli powder and it buys chilli from the market and process them and again sells the processed product i.e., dried chillies or chilli powder in bulk

quantities. The Secretary, Agricultural Market Committee, Guntur District – 3rd respondent herein issued a notice bearing licence No.2032/2015-20, dated 05-11-2016 under Rule 52 of the A.P. (Agricultural Produce and Livestock) Markets Rules calling upon the petitioner to show cause as to why the licence of the petitioner should not be cancelled while indicating therein certain alleged lapses on the part of the petitioner.

Responding to the said show cause notice and denying the allegations contained therein, the petitioner herein submitted an explanation in the month of November, 2016. The said enquiry is still pending before the 3rd respondent – the Secretary, Agricultural Market Committee. According to the learned counsel for the petitioner, keeping the petitioner in suspended animation without passing any orders on the notice and the explanation offered by the petitioner is highly arbitrary and illegal.

On the contrary, it is submitted by learned Standing Counsel for the Agricultural Market Committee that the Secretary of Agricultural Market Committee would pass necessary orders if reasonable time is granted.

Having regard to the submissions made by learned counsel for the petitioner and the learned counsel for the respondents, this Court is of the considered opinion that the

ends of justice would be served if the 3rd respondent is directed to pass appropriate orders pursuant to the notice, dated 05-11-2016 by fixing some time frame.

For the aforesaid reasons, the writ petition is disposed of, directing the 3rd respondent – Secretary of Agricultural Market Committee to pass appropriate orders pursuant to the notice bearing licence No.2032/2015-20, dated 05-11-2016 after considering the explanation and after giving notice and opportunity of being heard to the petitioner herein within a period of three (3) weeks from the date of receipt of a copy of this order.

Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

January 17, 2017

Pn

A.V. SESA SAI, J

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



WRIT PETITION No.45140 of 2016

January 17, 2017

Pn