

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.2822 of 2018

ORDER:

Pursuant to the show cause notice issued by the sixth respondent – Secretary, Agricultural Market Committee, Khammam, on 08.12.2017, on the ground of collection of excess commission contrary to the provisions and non-maintenance of records as required, the proprietor represents the petitioner submitted an explanation on 18.12.2017. Thereafter, the fifth respondent – Person-In-Charge, Agricultural Market Committee, Khammam, passed an order on 11.01.2018 cancelling her license. Aggrieved by the same, this Writ Petition is filed stating that in spite of submitting the explanation, the fifth respondent passed a non-speaking order without considering the same.

Ms. G. Neeraja Reddy, learned Standing Counsel for the Agricultural Market Committee, opposes the Writ Petition by submitting that under the provisions of the Telangana (Agricultural Produces and Livestock) Markets Rules, 1969, as against the impugned order, there is a remedy of appeal available to the petitioner, which can as well avail the same and therefore, he prays that the writ petition may be dismissed.

Having considered the submissions of the learned Standing Counsel for the Agricultural Market Committee and having perused the order impugned, this Court is of the opinion that the fifth respondent does not advert to any of the aspects submitted by the petitioner in the explanation, except stating that the objections submitted by the petitioner are not acceptable. In other words, the order impugned suffers from the vice of not adverting to the explanation submitted by the petitioner and the same is a non-speaking order.

In those circumstances, the Writ Petition is allowed by setting aside the order impugned and the fifth respondent is directed to pass orders afresh after considering the explanation submitted by the petitioner, within a period of three weeks from the date of receipt of a copy of this order.

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

CHALLA KODANDA RAM, J

31st JANUARY, 2018.

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