

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.3748 of 2018

ORDER:

It is the specific case of the petitioner that the petitioner was issued a Commission Agent License on 10.04.2010 for the period from 01.04.2010 to 31.03.2015 by the fourth respondent and that an application was submitted by the petitioner seeking renewal of the license on 31.01.2015. It is the assertion of the petitioner that though the petitioner is pursuing the matter, respondents 4 and 5 are not considering the same. Hence, the petitioner is seeking a writ of Mandamus by way of issuing directions to respondents 4 and 5 to renew the Commission Agent License.

Learned Standing Counsel for the Agricultural Market Committee submits that there was no proof for the petitioner submitting an application seeking renewal of the license within time and that the Writ Petition is liable to be dismissed on the ground of laches. He also submits that if the petitioner approaches the fourth respondent seeking fresh license, the same would be considered in accordance with law.

Having considered the above and having perused the material on record, this Court is in agreement with the submission of the learned Standing Counsel that there is no material placed before this Court in support of the claim of the petitioner that the petitioner approached the fourth respondent by way of submitting an application for renewal of license within time as stipulated in Rule 48 of the Andhra Pradesh (Agricultural Produce & Live Stock) Markets Rules, 1969. Further, the assertion of the petitioner that the petitioner has been pursuing the matter, as such, there is delay occurred in approaching this Court does not commend acceptance as it is well-settled that mere writing letters without asserting the rights cannot be accepted as the same cannot escape from the principle of laches. In view of the same, there cannot be any Mandamus issued to the second respondent to renew the petitioner's license, which has been expired as far back as on 31.03.2015.

In those circumstances, considering the fact that the petitioner has a right to seek a new license for carrying on business within the notified market area, this Court disposes of the Writ Petition giving liberty to the petitioner to submit an application to the fourth respondent for fresh license. As and

when such application is filed, the fourth respondent shall dispose of the same within six weeks from the date of receipt thereof.

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

CHALLA KODANDA RAM, J

8th FEBRUARY, 2018.

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