

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.9361 of 2012

ORDER:

The relief sought for in this writ petition is for a mandamus to declare the action of the 1st respondent, in allotting shops in the Tomato Godowns of the Agricultural Market Committee, Madanapalle, Chittoor District, to third parties, as illegal, arbitrary and violative of principles of natural justice. A consequential direction is sought to the respondents to allot the respective shops to the petitioners.

By way of interim relief, a direction was sought to the respondents not to allot any shops in the premises to any third party and this Court, by order in W.P.M.P.No.11840 of 2012 dated 03.04.2012, granted interim directions as prayed for. Consequently, none of the shops could have been allotted to third parties thereafter.

The petitioners' complaint, in this Writ Petition, is that they were running a shop on lease, and paying Rs.1,000/- as rent; they had made representations on 28.07.2010 and 10.12.2011 requesting the 1st respondent to renew the licence, and to allot the newly constructed shops to them to carry on business in Tomato Godowns; the 1st respondent had promised them to give newly constructed tomato sheds in the allotted place; and, without doing so, the shops were allotted to third parties without intimation or notice to the petitioners.

In the counter-affidavit, filed on behalf of the respondents, it is stated that the petitioners were carrying on their own business; the Commissioner and Director of Agriculture had permitted, and had accorded sanction for construction of semi permanent shops in the Market yard, as per the space available; the petitioners were,

accordingly, requested to remove the sheds; the Agricultural Market Committee had never made any promise to allot the shops; the licence issued to the petitioners expired on 31.03.2011, which was thereafter not renewed; the petitioners had, in fact, made no application to the Agricultural Market Committee to renew the licence; the Commissioner had directed the Agricultural Market Committee to secure a deposit of Rs.50,000/- for allotment of shops to the licensees; the petitioners had failed to deposit the said amount; an open auction was conducted on 02.04.2012 for allotment of shops; possession was delivered to the successful bidders, with regards 29 shops, on the same day; persons, who were having a market committee licence, had deposited Rs.50,000/- for participating in the open auction; and the petitioners are not licence holders on the date on which the open auction was held. It is further stated that the Government had issued notification in G.O.Ms.No.260 dated 28.09.2010 prescribing guidelines for issuing fresh commission agent licences; these guidelines require the market committee only to allot shops if sufficient space/shops are available in the Market Yard to conduct business; and a decision was taken by the Agricultural Market Committee in terms of the said guidelines.

It is not known as to what transpired thereafter. The interim order passed by this Court only required the respondents not to allot any shops to third parties pending disposal of the writ petition. While the counter-affidavit refers to an open auction having been conducted, it is not clear whether shops were allotted in terms thereof. Be that as it may, in case shops have not already been allotted, it is open to the respondents to conduct an auction afresh, and put the unallotted shops to public auction wherein the members

of the petitioner-society shall also be permitted to participate, if they are otherwise eligible.

The Writ petition is, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

29th June, 2018
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Date: 29.06.2018

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