

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.13575 of 2011

ORDER:

The relief sought for in this Writ Petition is to declare the proceedings dated 26.12.2010, issued by the Chairman, Agricultural Market Committee, Gaddiannaram, Kothapet, as illegal and arbitrary; and to consequently direct the respondents to renew the licence of the petitioner.

By the impugned order dated 26.12.2010, the petitioner was informed that he had obtained a license for the period from 01.04.2003 to 31.03.2008; he had failed to renew the licence within the prescribed time; his representation, along with medical certificates, were examined; the certificate showed that the petitioner's mother was under treatment in the hospital from 10.01.2008 to 01.03.2008, and the petitioner was under treatment in the hospital from 01.02.2009 to 28.02.2009, whereas the last date for receipt of an application, for renewal of the licence, was 16.03.2008.

After referring to W.P.No.27516 of 2006 filed by the petitioner, the impugned order records that the matter was placed before the Market Committee meeting held on 18.12.2010; under Rule 50 of the A.P. (A.P. & L.S.) Market Rules, 1969 (for short the "Rules"), the application for renewal of licence should be made within 15 days before the date of expiry of the licence; there is no provision in the Rules to consider the application for renewal after the prescribed time; however, a provision was made in bye-law 23(1)(2) to renew the licence, within 30 days from the date of expiry of the licence, by paying late fee; the petitioner had failed to avail

the benefit of the said provision for renewal of his licence; and, therefore, the petitioner's representation, for renewal of licence, for the period from 01.04.2008 to 31.03.2013, was liable to be rejected.

The impugned order of rejection is for non-compliance by the petitioner of Rule 50 of the Rules which requires an application, for renewal of licence, to be made 15 days before the date of expiry of the licence. The petitioner was issued licence for the period from 01.04.2003 to 31.03.2008 and, consequently, the petitioner ought to have submitted the application, for renewal of his licence, on or before 16.03.2008. The petitioner sought renewal of his licence, for the first time, by his representations dated 01.11.2008 which is far beyond even the time stipulated in bye-law 23(1)(2).

It is difficult, therefore, to agree with the submission that the impugned order was illegal. In any event, this Court had, by its order in W.P.M.P.No.16449 of 2011 dated 30.04.2011, permitted the petitioner to make an application for renewal of his licence by paying late fee; and had directed that the same be considered. If, on consideration of such a representation, any order has been passed, the petitioner's remedy would be to question the said order in appropriate legal proceedings. I see no reason, therefore, to set aside the order impugned in this Writ Petition.

The Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ.

Date:02.02.2018.
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