

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

WRIT PETITION No.10463 of 2018

ORDER:

The order of cancellation of licence of the petitioner, dated 08.03.2018, under the Telangana (Agricultural Produces and Livestock) Markets Act, 1966, is under challenge in the present Writ Petition.

When the matter is taken up a preliminary objection, as to the maintainability of the Writ Petition, is taken by Smt.G.Neeraja Reddy, learned Standing Counsel for Agriculture, by contending that, as against the order impugned, there is a remedy of statutory appeal available under Rule 53 of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Rules, 1969 (for brevity, 'the Rules') and, without availing the same, the petitioner herein directly filed the present Writ Petition before this Court.

Rule 53 of the Rules reads as under:

“:Appeal from the orders cancelling or suspending a licence -- (1) An appeal from the orders of the Market Committee shall be preferred within a period of ninety days from (he date of communication of such orders before the Director. The Director shall, on receipt of such appeal, call for all the relevant registers and records from the market committee, make or cause such enquiry as he deems necessary and pass orders either confirming or cancelling the orders of suspension or cancellation of the licence.

(2) The Director may suspend the execution of the order pending the exercise of his power under sub-rule (1) in respect thereof.

In view of the availability of statutory remedy for the petitioner herein, this Court is not inclined to entertain this Writ Petition.

Accordingly, the Writ Petition is disposed of. It is open for the petitioner to avail the statutory remedy available. It is needless to observe that the petitioner is at liberty to file an application, under Rule 53 (2) of the Rules. There shall be no order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

29th March, 2018
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A.V.SESHA SAI,J