

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

WRIT PETITION No.12679 of 2018

ORDER:

This petition is filed for the following relief:

“... to issue Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 5th respondent in not granting/renewal the licence bearing No.CA/237/2018-13 for the period 2013-18, by not considering the application as common agency and insisting upon fulfilment of the conditions as laid down in G.O.Ms.No.57, Agriculture & Co-operation (AM-II) Department, dated 12.10.2015, by issuing of common notice in Rc.No.384/2015, dated 30.10.2015, is illegal, arbitrary, irrational and non-application of mind and in violation of Art.14, 19(1)(g) and 21 of the Constitution of India and openly derogates and run in conflict with G.O.Ms.No.64, Agrl. & Co-operation (AM-IV) Department, dated 11.6.2013 and defeated the very purport of Pre-existed Rule 48 (5) of A.P. (A.P & L.S.) Market Rules, 1969 and set aside the common notice dt.30.10.2015 and consequently direct the respondent No.5 to grant/renew the licence of the petitioner firm bearing No.CA/237/2008-2013, for the period 2013-2018, in terms of G.O.Ms.No.190, Agrl & Cooperation (Mktg-I) Department, dated 06.04.1994, by enforcing G.O.Ms.No.64, Agrl.& Cooperation (AM-IV) Department, dated 11.06.2013 and memo dt.21.03.2014 and to pass such other order or orders as this Hon’ble Court may deem fit and proper...”

Heard learned counsel for the petitioner, who submits that the ‘lis’ in the writ petition is squarely covered by the order

dated 02.12.2015 passed by this Court in WP.No.39011 of 2015 and the same is not disputed by the learned Standing Counsel appearing for the respondents.

Recording the said submission of the learned counsel and the reasons alike in that writ petition, this writ petition is allowed directing the respondent-authorities to consider the petitioner's application for grant of commission agent's license and pass appropriate orders without reference to G.O.Ms.No.57, Agriculture and Cooperation (AM-II) Department, dated 12.10.2015, but, by applying the norms in G.O.Ms.No.190, Agriculture and Cooperation (MKTG.I) Department, dated 06.04.1994, and communicate the decision to the petitioner within two weeks from the date of receipt of a copy of this order. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.V.SESHA SAI,J

13th April, 2018

smr