

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

WRIT APPEAL No.931 of 2018

Judgment: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned Advocate General appearing for the appellant, the learned counsel for the writ petitioner and the learned Government Pleader for Agriculture for the Agricultural Market Committee.

2. This appeal is against an interlocutory order. The learned Advocate General appearing for the appellant points out that a Government Order dated 26.2.2008, which was reiterated in the order dated 18.2.2016, is challenged in the Writ Petition instituted in the year 2018. He points out that certain construction activities are being carried out on the property in issue.

3. Learned counsel for the writ petitioner argued that the action impugned in the Writ Petition is in direct conflict with the provisions of the A.P. (Agricultural Produce and Livestock) Markets Act, 1966 and that the Agricultural Market Committee is a legal entity capable to sue and of being sued and is also eligible to hold property and deal with such property, in its own name.

4. With the aforesaid fact situation, we do not find it appropriate for us to now interfere with the interlocutory order passed by the learned Single Judge. We, therefore, relegate the parties for further participation in the proceedings in the Writ Petition with liberty to any person aggrieved by the impugned order to file counter affidavit to the writ petition and then to apply for having the impugned order vacated, by filing vacate stay petition. We also clarify that the

learned Single Judge could consider the Writ Petition itself for decision, notwithstanding this judgment.

5. We also leave open the plea of the State that the writ petitioner has no *locus standi*.

6. The Writ Appeal is dismissed accordingly.

7. List the Writ Petition before the learned Single Judge on 9.8.2018.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 19.7.2018

RAMESH RANGANATHAN, J

Pnb/va

