

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.8455 of 2012

ORDER:

The relief sought for in this Writ Petition is for a direction to the District Collector, East Godavari District to issue the Minimum Support Price Certificate to the petitioners in terms of the memo dated 31.10.1983 issued by the Government of A.P.

Reference is made by Sri S. Vivek Chandrasekhar, Learned Counsel for the petitioners, to the letter addressed by the District Supply Officer to the President of East Godavari District Rice Millers Association informing them that the Area Manager, FCI, Kakinada had requested, vide letter dated 31.10.2011, not to issue MSP certificates to the Millers/Traders of Yanam area during the KMS 2011-12 until the dispute, regarding non-payment of VAT, between the FCI and the Yanam Millers is settled. Learned Counsel would submit that, since the dispute relating to VAT between the Yanam Millers Association and the Government of A.P. stood resolved pursuant to a Division bench judgment of this Court in W.P. No.27335 of 2012 and batch dated 30.10.2014, even this impediment, in extending to the petitioners' the benefit of Minimum Support Price, no longer exists; and therefore the respondents are obligated to extend the Minimum Support Price to the petitioners in terms of the memo dated 31.10.1983.

On the other hand Sri D. Srinivas, Learned Standing Counsel for the FCI, would submit that the memo dated 31.10.1983 is no longer in force; the Government of A.P. has, thereafter, issued G.O.Ms. No.47 dated 05.06.2000; and it is only if the conditions stipulated therein are fulfilled would the petitioners then be entitled to be extended the

Minimum Support Price. Learned Counsel would express ignorance of any subsequent conditions having been imposed by the Government of A.P. in this regard.

Sri S. Vivek Chandrasekhar, Learned Counsel for the petitioners, would submit that it would suffice if the petitioners are permitted to make a representation to the authorities concerned, after fulfilling the conditions stipulated in G.O.Ms. No.47 dated 05.06.2000, to be extended the Minimum Support Price. As the Learned Counsel for the petitioners is also unaware whether any subsequent conditions have been prescribed by the Government of A.P, after G.O.Ms. No.47 dated 05.06.2000 was issued, suffice it, while permitting the petitioners to make a representation seeking extension of the Minimum Support Price after fulfilling the conditions stipulated in G.O.Ms. No.47 dated 05.06.2000, to make it clear that, in case any subsequent order has been issued by the Government stipulating conditions to be fulfilled for being extended the Minimum Support Price, the District Collector, East Godavari District shall intimate the petitioners, of any subsequent G.O. wherein such conditions have been prescribed; and give the petitioners an opportunity to comply with those conditions for being extended the benefit of Minimum Support Price.

The Writ Petition is disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 29.06.2018
MRKR