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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1861/2017 & CM Nos. 8220/2017 & 44798/2017

ARUN KUMAR AND ORS

..... Petitioners

Through: Mr Karan Sharma and Mr Rohit,
Advocates.

versus

HONBLE LT GOVERNOR OF NCT OF DELHI
AND ORS

..... Respondents

Through: Ms Soumya Tandon, Advocate for R-
1 & R-2 with Mr Amit Kumar,
Statistical Assistant.
Ms Avnish Ahlawat with Ms Palak
Rohmetra, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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17.07.2018

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

- “(i) issue Writ in the nature of mandamus or any other Writ or direction or order modifying the impugned notification dated 4.10.2013 issued by the Respondent no.2 under the order and in the name of Respondent no.1, as the Respondent no.1 has no power/jurisdiction under the Act to issue such notification: and
- (ii) issue Writ in the nature of mandamus or any other Writ or Direction or Order directing the Respondents to let the petitioners complete his terms of five years, as a Member of the Agricultural Produce Marketing Committee, Market of National Importance, Azadpur, as prescribed in

the Act; and

- (iii) issue an appropriate Writ of Order of Direction against Market of national Importance, Azadpur to allow the petitioners to continue the remaining term as per statutory provision of Section 29.”

2. The grievance of the petitioner, essentially, is that his term as a Member of the Agriculture Produce Marketing Committee has been truncated and he has not been allowed to complete his term of five years. The learned counsel appearing for the petitioner has also drawn the attention of this Court to Section 27 of the Delhi Agricultural Produce Marketing (Regulations) Act, 1998, which specifies the constitution of the Marketing Committee for Market of National Importance.

3. The learned counsel appearing for the respondents points out that by a notification dated 09.11.2017, a new committee has been constituted and, therefore, the relief as sought for the petitioner does not survive.

4. The learned counsel appearing for the petitioner submits that the notification dated 07.11.2017 is not in conformity with the provisions of the Delhi Agricultural Produce Marketing (Regulations) Act, 1998. He states that the Committee is of perpetual existence and each member appointed on the Committee is to serve for the duration of the specified term. This Court is not inclined to examine the aforesaid contention in this petition since the notification issued on 07.11.2017 is not impugned herein. Although, the petitioner has also sought to amend the present petition to challenge the said Notification, this Court is also not inclined to grant the same as the grounds for challenging the notification dated 07.11.2017 as urged before this court

appear to be materially different.

5. In this view, the petition is disposed of by leaving it open for the petitioner to assail the Notification dated 07.11.2017 in accordance with law. The pending applications also stand disposed of.

VIBHU BAKHRU, J

JULY 17, 2018
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