

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.5572 of 2019

ORDER

This writ petition is filed seeking to declare the action of the respondents in not considering the claim of the petitioner for grant of permanent Weighmen License though he is working more than 12 years on temporary basis, as illegal and arbitrary.

2. Learned counsel for the petitioner submits that the petitioner is working as Weighmen on temporary basis for the last 12 years and that this Court, in similar circumstances, vide order dated 22.08.2014 in W.P.No.7850 of 2008, has directed the respondent therein to consider the applications of the petitioners therein for issuance of licences as Weighmen and that in compliance of the said direction, proceedings were also issued vide G.O.Ms.No.418 dated 06.11.2004. He, therefore, seeks to pass a similar order in favour of the petitioner.

3. On the other hand, learned Standing Counsel appearing for the Agricultural Market Committee submits that there is no material produced by the petitioner with respect to his claim that he has been discharging his duties as temporary Weighmen.

4. Having regard to the respective submissions, Section 7 of the Telangana (Agricultural Produce & Livestock) Markets Act and the Rules there under provide for grant of licence to a Weighmen subject to the conditions stipulated in the bye-laws of the market committee.

The Act and the Rules do not appear to be satisfied with any clarification.

5. Rule 45 of the Telangana (Agricultural Produce & Livestock) Markets Rules, 1969, provides to make bye-laws by the market committee. Rule 45 reads as under:

“45. **Bye-laws:-** The market committee shall make bye-laws under Section 34 consistent with these rules and model bye-laws framed by the Director to regulate its own procedure and to specify the conditions of trading in the notified area. The bye-laws shall, *inter alia*, provide for-

- (1) the procedure regarding issue of passes;
- (2) the method of disposal and hearing of complaints;
- (3) the levy of licence fees;
- (4) the levy of market charges;
- (5) the regulation of the duties of commission agents and other traders, sellers, brokers, weighmen and other licensed persons of a market;
- (6) the time lag allowed for submission of copies of tak-patties and Amanat Patties to the office of the market committee by the commission agent and the late fee chargeable after due date;
- (7) the fixing of percentage of refraction and tare weight;
- (8) the refund of excess deductions made from the sale proceedings dues to the sell and the recovery of the over payment made to the seller
- (9) fees for supply of copies of records of proceedings of the meetings;
- (10) Procedure for the conduct of auction of notified agriculture produce, livestock or products of livestock.

6. In view of the above, the market committee is required to deal with the application of the petitioner under the procedure governing

for appointment of a weighmen. In those circumstances, as it is the assertion of the petitioner that he has been discharging his duties as Weighmen for the last 12 years, liberty is given to the petitioner to approach the Market Committee by invoking the relevant bye-laws and paying necessary fees in terms of the bye-laws for grant of permanent weighmen licence. As and when the petitioner makes an application, the 3rd and 4th respondents are directed to consider the same in terms of the bye-laws and pass a reasoned order in accordance with law, within a period of four weeks from the date of receipt of such application.

7. With the above direction, the writ petition is disposed of. No order as to costs. Miscellaneous application, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

18th March, 2019

sj