

THE HON'BLE SRI JUSTICE P.KESHAVA RAO

WRIT PETITION No.12014 OF 2019

ORDER:

Heard the learned counsel appearing for the petitioner as well as the learned standing counsel appearing for the Agricultural Market Committee.

2. The prayer sought in the writ petition is as under:

'For the reasons stated in the accompanying affidavit, it is prayed that the Hon'ble Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus directing the action of the Respondents No.3 to 14 in collecting market fee on paddy while in transit which is importing from other states by the Petitioner as illegal, arbitrary and in violation of Articles 14 and 19(i)(g) of the Constitution of India and contrary to the Circular instructions issued by the 2nd Respondent in Memo No.S111(2)9513, dated:7-2-2013 and in Memo No. S111(3)P-11170/2014, dated:19-6-2014 respectively and consequently direct the Respondents No.3 to 14 not to collect the market fee on paddy while in transit which is importing from other states by the Petitioner and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case, in the interest of justice.'

3. The thirteenth respondent filed a counter-affidavit denying the averments made in the affidavit filed in support of the writ petition and contended *inter alia* that respondents 3 to 14 are collecting market fee at check posts where traders/purchasers did not produce the receipt for payment of prescribed fee in respect of notified commodity where the same was purchased outside the State and transported into the State. As per the Memo issued by the second respondent, if a commodity is brought from other States for processing and export purpose only, those are

exempted from paying the market fee on that particular commodity. In the case on hand, the petitioner did not produce any evidence to the above said effect.

4. In these circumstances, this Court is of the opinion that no further cause would survive in the writ petition in the light of the statement made by the thirteenth respondent.

5. Accordingly, the writ petition is closed. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

Date: 18.02.2020

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JUSTICE P.KESHAVA RAO

