



**IN THE HIGH COURT OF KARNATAKA,**

**KALABURAGI BENCH**

**DATED THIS THE 21<sup>ST</sup> DAY OF FEBRUARY, 2024**

**PRESENT**

**THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD**

**AND**

**THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA**

**WRIT APPEAL NO. 200175 OF 2022 (APMC)**

**BETWEEN:**

THE SECRETARY,  
AGRICULTURAL PRODUCE MARKETING COMMITTEE,  
BIDAR-585401.

...PETITIONER

(BY SRI. GOURISH S KHASHAMPUR, FOR  
SRI. KRUPA SAGAR PATIL, ADVOCATES)

**AND:**

1. THE DIRECTOR,  
AGRICULTURAL PRODUCE MARKETING COMMITTEE,  
NO.16, 2<sup>ND</sup> RAJ BHAVAN ROAD,  
P. B. NO.5309, BANGALORE-01.

2. M/S MALLAPPA AND SONS,  
VEGETABLE MERCHANT,  
REPRESENTED BY ITS PROPRIETOR,  
MALLAPPA S/O GUNDAPPA,  
AGE: 69 YEARS, OCC: BUSINESS,  
R/O SHOP NO. 05, MAHEBOOB GUNJ,  
APMC MARKET YARD, BIDAR-585401.

...RESPONDENTS

(BY SRI. MALLIKARJUN C. BASAREDDY, G.A. FOR R1)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE  
KARNATAKA HIGH COURT ACT, PRAYING TO, SET ASIDE THE  
ORDER DATED 18.07.2022 IN W.P.NO.201719/2022 (APMC)  
PASSED BY THE LEARNED SINGLE JUDGE AND ALLOW THE  
WRIT APPEAL IN THE INTEREST OF JUSTICE.



THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,  
**B.M.SHYAM PRASAD J.** DELIVERED THE FOLLOWING:

**JUDGMENT**

The private respondents in these writ appeal has filed by the writ petition impugning the order issued by the appellant for cancellation of the allotment of corresponding plots on the ground that the allotment price is not paid within time. The writ petition has been disposed of by similar but separate orders which are impugned in the writ appeal. The writ Court has allowed the writ petition by quashing the appellant's order with directions that read as under:

- "i) Out of the balance amount, a sum of Rs.1,00,000/- shall be paid by the petitioner to respondent no.2 within a period of one month from the date of receipt of the certified copy of this order;*
- ii) The petitioner is granted six months time from today to pay the balance amount towards lease-cum-sale of the shop in question to respondent no.2 and he shall also pay a sum of Rs.10,000/- as penalty to respondent no.2 along with the balance amount which is liable to be paid;*
- iii) It is made clear that the petitioner shall not be entitled for any further extension of time to pay the*



*amount, and in the event, the petitioner fails to pay the arrears as directed by this Court herein above, respondents are liberty to take action in accordance with law.”*

It is seen from the records that similar directions issued by the writ Court in W.P.No.201784/2022 are impugned in W.A.No.200171/2022, and this writ appeal is disposed of on 08.12.2022 considering the circumstances in which the directions are issued. This Court’s observations in this order dated 08.12.2022 reads as follows:

*“4. We are unable to find any fault or error in the order passed by the learned Single Judge. The order is passed considering the balance of equities as well as considering the peculiar circumstances of the case. As such in our opinion, the appeal is devoid of merits and deserves to be dismissed and the same is accordingly dismissed.”*

The learned counsel for the appellant does not contend that the concerned respondent is differently placed. This Court is in respectful agreement with the conclusion as aforesaid, and therefore, no interference is called for in any in this writ appeal. However, this Court must observe that



this disposal would not effect any course of action that would be available to the appellant in terms of the directions issued by the writ Court, if amount is not paid.

The appeals stand disposed of accordingly.

**Sd/-**  
**JUDGE**

**Sd/-**  
**JUDGE**

SDU  
List No.: 1 Sl No.: 2  
CT: CS