

(1997) 03 AP CK 0052

In the Andhra Pradesh High Court

Case No : Writ Petition No. 5770 of 1994

Agricultural Market Committee

APPELLANT

Vs

Gram Panchayat and Another

RESPONDENT

Date of Decision : 25-03-1997

Acts Referred:

Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966 — Section 29(1), 30

Citation : (1997) 5 ALD 798 : (1997) 6 ALT 205

Hon'ble Judges : S.R. Nayak, J;B. Subhashan Reddy, J

Bench : Division Bench

Advocate : Nanda Ramachandra Rao, for the Appellant; P. Vittal Rao, for the Respondent

Judgement

B. Subhashan Reddy, J.—This Writ Petition was filed seeking a prayer to declare the action of the respondents in not handing-over the cattle market at Shankarpalli village of Ranga Reddy District, to the petitioner as illegal,

2. May be the prayer as sought for cannot be granted for the reason that if the place where the cattle market is being held belongs to the Gram Panchayat, the place physically cannot be handed over to the petitioner. But, the learned Standing Counsel for the petitioner-Agricultural Market Committee submits that what was sought for is to prohibit the respondents from conducting cattle market and collecting the market fee therefor, for the reason that the place where the cattle market is being conducted falls within the notified area of the petitioner and that in any event, the cattle market has to be held only by the petitioner-Market Committee in view of Section 29(1) of the Andhra Pradesh Agricultural (Produce and Livestock) Markets Act, 1966 (A.P. Act 16 of 1966). The Gram Panchayat Act was enacted in the year 1964 while the A.P. Act 16 of 1966 was enacted in the year 1966. That apart, the Gram Panchayat deals in other spheres of local-self Government, while A.P. Act 16 of 1966 is a specific statute dealing with setting-up of Agricultural Market Committees and to collect the market fee

and allied activities. Apart from Section 29(1) a bare reading of Section 30 of A.P. Act 16 Of 1966 leaves no doubt that A.P. Act 16 of 1966 overrides any other law providing for either establishment of market or collection of fee and the said act has to be done only by the Agricultural Market Committee concerned and not by any other authority. In view of Section 29(1) read with Section 30 of A.P. Act 16 of 1966, the petitioner-Agricultural Market Committee got exclusive right to conduct the cattle market in Shankarpalli village and the respondents are not entitled to conduct such cattle market,

3. In the circumstances, the respondents are restrained from holding any cattle market in Shankarpalli and they shall not interfere with the rights of the petitioner-Market Committee from holding the cattle market and collecting the fee thereon.

4. It is stated by the learned Standing Counsel for the petitioner-Market Committee that in spite of the orders being passed by this Court at interlocutory stage and the interim order having been made absolute even after contest and even though a clarification that the petitioner-Market Committee alone should conduct cattle market and collect the fee was made, the same has not been given effect to by the respondents. We caution the respondents that such an act would tantamount to contempt of Court and the respondents shall bear this in mind and shall not interfere with the legal rights of the petitioner as stated supra.

5. The Writ Petition is allowed in part to the extent indicated above. In the circumstances, we order no costs. The fee of Ms. Nanda Ramachander Rao, Standing Counsel for the Agricultural Market Committee, is fixed at Rs. 1,200/- payable by the petitioner within two months from the date of presentation of the bill by her.