

(1997) 02 AP CK 0013

In the Andhra Pradesh High Court

Case No : Writ Petition No. 16502 of 1993

Anwar John Begum and Others

APPELLANT

Vs

Agricultural Market Committee and Another

RESPONDENT

Date of Decision : 18-02-1997

Acts Referred:

Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966 — Section 12(2)

Citation : (1997) 2 ALT 737 : (1997) 2 APLJ 280

Hon'ble Judges : G. Bikshapathy, J;B. Subhashan Reddy, J

Bench : Division Bench

Advocate : P. Gangaiah Naidu, for the Appellant; Nanda Ramachander Rao, SC, for the Respondent

AI Structured Summary

AI-generated summary — verify against the full judgment text before relying on it in practice.

FACTS

This writ petition was filed under section 12(2) of the Andhra Pradesh (Agricultural Produce & Livestock) Markets Act, 1966. The petitioners contended that the Agricultural Market Committee improperly collected market fees from sellers, despite the statute clearly stating that such fees should be collected from purchasers. The petitioners argued that the collection from sellers only applies when the purchasers cannot be identified, which is not the case here.

LAW POINTS

['Whether the Agricultural Market Committee is allowed to collect market fees from sellers instead of purchasers.', 'Interpretation of section 12(2) of the Andhra Pradesh (Agricultural Produce & Livestock) Markets Act, 1966.', 'The applicability of the proviso in cases where the purchaser's identity is not ascertainable.']

ACTS & ARTICLES

['Andhra Pradesh (Agricultural Produce & Livestock) Markets Act, 1966 - Section 12(2)']

JUDGMENTS REFERRED

None

OBITER DICTA

The court emphasized the need for a harmonious interpretation of the statute to ensure the safeguards for sellers are not rendered meaningless. The court also noted that the commission agent has a defined responsibility to collect market fees from purchasers, and this structure was put in place to protect all parties involved.

RATIO DECIDENDI

The court established that the Agricultural Market Committee must collect market fees from buyers, and sellers are not liable for these fees if the purchaser is identifiable. The exception allowing fee collection from sellers applies only when purchasers cannot be identified.

FINAL RULING

The writ petition was disposed of in favor of the petitioners, directing that the Agricultural Market Committee should seek the market fees from the commission agent and not the petitioners. Costs were fixed for the Standing Counsel of the Committee, to be paid by the Committee within two months.

PLAIN-LANGUAGE GIST

The dispute centered around the improper collection of market fees from sellers rather than purchasers, contrary to the provisions of the Agricultural Markets Act. The court ruled that the fees should be collected from purchasers, affirming the sellers' rights under the statute.