

(1987) 03 AHC CK 0009

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 5304 of 1984

Deva Ram Ramesh Chand

APPELLANT

Vs

Krishsi Utpadan Mandi Parishad and Another

RESPONDENT

Date of Decision : 09-03-1987

Acts Referred:

Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 — Section 2

Citation : (1987) 1 AWC 688

Hon'ble Judges : K.J. Shetty, C.J.;V.K. Khanna, J

Bench : Division Bench

Advocate : Rakesh Dwivedi and Dinesh Dwivedi, for the Appellant;

Final Decision : Dismissed

Judgement

K.J. Shetty, C.J.—Two questions arise for consideration in this petition; (i) whether Dhulli-Til is also an "agricultural produce" as defined u/s 2(a) of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964, and (ii) the Market Committee is rendering service to the Petitioner for the purposes of levying market fee in regard to the sale of Dhulli-Til.

2. So far as the first question is concerned, it should not detain us any longer. Section 2(a) of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 defines "agricultural produce" to mean:

Such items of produce of agriculture, horticulture, viticulture, apiculture, sericulture, pisciculture, animal husbandry or forest as are specified in the Schedule, and include admixture of two or more of such items, and also includes any such item in processed form and further includes Gur, Rab, Shakkar, Khandsari and Jaggery.

3. The Schedule given u/s 2(a) of the Adhiniyam contains the items of agricultural produce. Thereunder, "Til seed" has been mentioned as one of the items of agricultural produce.

4. The contention however, is that Til seed is quite different from Dhulli-Til with which the Petitioner is grading. It is no doubt true that the Petitioner is dealing with Dhulli-Til. But the Dhulli-Til is a processed form of Til seed. In paragraph 8 of the writ petition the Petitioner has stated that Dhulli-Til is manufactured out of Til seed. But he has given us the process of so called manufacture, in these terms:

Til seed is left in water so that it may swell for eight hours continuously. Thereafter it is put in hulling machine. In the hulling machine the cover of the Til seed is removed and peeled off. Then it is washed with water, dried and filtered. The produce thereafter is called Dhulli-Til.

5. It is seen from these averments that the treatment given to Til seed is only to remove the outer thin shell which is black in colour. The contents, however, remains the same. It is not a manufacturing process nor a manufactured product. Dhulli-Til is just a processed form of Til seed. Section 2(a) of the Adhiniyam also covers the item in the processed form. The contention raised to the contrary is, therefore, rejected.

6. The next question relates to the service rendered by the Market Committee to justify the levy of market fee. On this question learned Counsel wants no adjudication by us. The matter also requires evidence which we do not have before us. We, therefore, leave this question open for adjudication elsewhere.

7. In the result, the writ petition fails and is dismissed. In the circumstances of the case we make no order as to costs.