
(2002) 07 JH CK 0087

In the Jharkhand High Court

Case No : Writ Petition (Civil) No. 2047 of 2002

Ganesh Sahu and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 18-07-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 07 JH CK 0087

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : V. Shivrath, for the Appellant; L.K. Bajla and V.P. Singh and P. Modi, G.P.I, for the Respondent

Final Decision : Dismissed

Judgement

S.J. Mukhopadhaya, J.—This writ petition was preferred by petitioners against the notice contained in Memo No. 1667, Ranchi dated 19th March, 2002 issued by 5th respondent, Secretary, Jharkhand State Agriculture Produce Market Committee, Ranchi (Market Committee for short) in respect to collection of market fee/rent.

By the impugned notice, it was notified that the hat bazar (Market)/Pashu Meld (animal fair) will be settled for collection of market fee/rent as per Clause-I of the notice aforesaid.

2. The case of petitioners is that the petitioner No. 1, Ganesh Sahu is a collecting agent of Itki Hat and station for the period from 1.4.2001 to 31.3.2002, petitioner No. 2, is the market collecting agent of Bero hat for the period from 1.4.2001 to 31.3.2002, petitioner No. 3 is market collecting agent of Mandor Mission hat and petitioner No. 4 is market collecting agent of Chanhoo hat The hats (market) aforesaid used to be settled for collection of market fee/ground rent by open auction and petitioners having competed, were granted permit to collect market fee/ground rent of earlier period.

It is alleged that as per the condition laid down in the notice dated 19th March, 2002, the petitioners will be deprived from collecting market fee/ground rent for the year 2002-03 as no Gram Sabha can be held as per Clause 1 of the notice.

3. One of the arguments advanced on behalf of petitioners was that by impugned public notice dated 19th March, 2002, the respondents made reservation in favour of one or other class of persons for being appointed as market fee collecting agent though it is not permissible under the law.

4. Mr. Bajla, counsel for the Marketing Board and Mr. V.P. Singh, counsel for the Market Committee took plea that the impugned notice does not amount to any reservation in favour of any one or other class of persons.

5. The respondent Nos. 4 to 6 in their affidavit while taken plea that the petitioners have no vested right to claim their appointment as collecting agents for collecting market fee, stated that the respondents have taken a policy decision to do away with the system of appointing contractors on the basis of open auction for collecting market fee. The respondent-Marketing Board and Market Committee have decided to do away with the system of collecting market fee through contractors from the financial year 2002-03, there being frequent complaints of extortion, forcible collection etc. Having received. It was felt that a village hat being the primary market where farmers and artisans from adjoining villages brought their agricultural produce for sale, the active involvement of and participation in the management of these hats by the local villagers would serve the aims and objects of the Act in a better way. In the larger interest of the local farmers, it would not only ensure their larger involvement in the affairs of the Market Committee but also prevent evasion of market fee on account of the collecting group being from amongst the local villagers themselves, which will be in a better position to monitor every transaction of sale and purchase of agricultural produce in the hats entrusted to them. A group of persons will be selected by the residents of those villages within whose area a hat is held, for the purpose of being entrusted the task and responsibility of collection of market fee on the sale of agricultural produce in such hat as per the rate fixed under the Act.

The State Government has supported the stand taken by the Marketing Board/Market Committee.

6. In view of the stand aforesaid taken by the respondents and the local villagers are now being involved and entrusted the task and responsibility of collection of market fee on the sale of agricultural produce, in place of contractors, I find no reason to interfere with the impugned notice dated 19th March, 2002.

7. There being no merit, the writ petition is dismissed.