
(2002) 01 KAR CK 0060

In the Karnataka High Court

Case No : Writ Petition No"s. 35013 to 35022 of 2001

K.B. Gurappa Gowda and Others

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 08-01-2002

Acts Referred:

Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 — Section 27, 38

Citation : (2002) 2 KarLJ 66 : (2002) 1 KCCR 88 SN

Hon'ble Judges : Chandrashekaraiah, J

Bench : Single Bench

Advocate : Jwala Kumar, for the Appellant; B.H. Satish, High Court Government Pleader and Sujatha, for the Respondent

Final Decision : Dismissed

Judgement

Chandrashekaraiah, J.—The petitioners are all elected members of the Committee of management of Agricultural Produce Marketing Committee, Sakleshpur As per the list of events they were all declared elected by the Returning Officer on 6-4-1997. The results of the said election was published in the notification dated 11-4-1997. But for one reason or the other, the State Government did not constitute the Committee by calling the meeting. Ultimately, on the writ petition filed by some persons, the State Government directed the Tahsildar to take steps to constitute the Committee of elected members of the Market Committee. Pursuant to that the Committee was constituted on 30-4-1998. In view of this constitution the petitioners have filed this petition for a direction to issue notification to the effect that they are entitled to be the members for a period of five years from 30-4-1998, i.e., the date on which the committee was constituted.

2. Section 38 of the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966, provides the term of office of the member of the Market Committee as five years. Section 39 of the Act, provides for commencement of the term of office which reads as follows:

"39(1) The term of office of the Market Committee shall commence on the date immediately after the expiry of the outgoing members of the Market Committee or on the date of the publication of the names of the elected members u/s 27, whichever is later".

3. u/s 27, the Deputy Commissioner, is required to publish the names of all the elected members by notification in the Official Gazette.

4. From a reading of Section 39, it is clear that the term of office commences on the date immediately after the expiry of the term of the office of the outgoing member of the Market Committee or on the date of publication of names of the elected members u/s 27, whichever is later. In the instant case, the term of office of the outgoing members expired much prior to the publication of the notification u/s 27. Therefore, the date of publication of the notification as required u/s 27 being later is the date to be taken for the purpose of commencement of the term of office. If that is so, the petitioners are entitled to be in office for the period of five years from the date on which the notification has been published, i.e., 11-4-1997. Therefore, no direction could be issued to the State Government to issue notification to the effect that the petitioners are entitled to hold office for a period of five years commencing from 30-4-1998, i.e., the date on which the Committee was constituted.

5. For the reasons stated above, writ petitions are rejected.