
(2002) 03 PAT CK 0113
In the Patna High Court
Case No : C.W.J.C. No. 2770 of 2002

Md. Bashir and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 01-03-2002

Acts Referred:

Bihar Agricultural Produce Markets Rules, 1975 — Rule 82

Citation : (2002) 3 PLJR 160

Hon'ble Judges : S.K. Katriar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

S.K. Katriar, J.—Heard learned Counsel for the Petitioners, learned Counsel for Respondent No. 1, and learned Counsel for Respondent Nos. 2 to 4. As many as 12 Petitioners (sic) joined this writ petition. The Petitioners (sic) appointed as collecting agents for (sic) ing market fee for Bakhtiyarpur Market Yard for the period 1.4.2002 to 31.3.2001 Sample of one such agreement is (sic) Annexure 8 to the Petitioners" supplementary affidavit, and the consequential (sic) dt. 31.3.2001 marked Annexure 1 (sic) writ petition.

2. This writ petition is directed ag(sic) general notice (Annexure 5), published (sic) 3.2.2002 in the Hindustan, a Hindi (sic) whereby the Market Committee, Barh (sic) inter alia, notified Bakhtiyarpur Fal (sic) Bazar for settlement as collecting age (sic) at the auction to be held on 21.2.2002. (sic) same further states that in case the (sic)tion is not completed with respect to (sic) items mentioned therein on 21.2.2002 (sic) auction for the remaining items sha(sic) held on 28.2.2002 at 11 A.M. The (sic) petition is further directed against the eral notice dt. 21.2.2002 (Annexure (sic) whereby it has been notified that the (sic) tion with respect to the item(s) sha(sic) held on 28.2.2002 at 11 A.M. in the Committee's office at Barh.

3. While assailing the validity (sic) impugned action, learned Counsel for

Petitioners submits that they have not (sic) served with show cause notice before (sic)ing the impugned action. He relies (sic) Division Bench judgment of this Court ported in 1991(1) PLJR 379 (Vijay Singh v. Bihar Agricultural Market Board). He further submits that Petitioners are poor persons and a (sic) sionate view may be taken by giving a fresh term of one year.

4. Learned Counsel for the Respondents submits that it is not a case of premature termination of the agreement with the Petitioners. Therefore, the reported judgment is of no avail to them He further submits that the Petitioners have no right of renewal. This issue is governed by the provisions of Rule 82(v) of the Bihar Agricultural Produce Market Rules, 1975, which procedure is being meticulously followed.

5. Having considered the submissions, it appears to me that the rights of the Petitioners to act as collecting agents vide (Annexure 8 read with Annexure 1 are not being cut short. Therefore, the Petitioners are not entitled to any show cause notice.

Reliance placed by learned Counsel for the Petitioners on paragraph 4 of the aforesaid judgment is of no avail to him. The reported judgment related to the Petitioners" removal as collecting agent without giving an opportunity. Therefore, this Court had set aside the order terminating the tenure of the Petitioner therein as a collecting agent which could be done after giving an opportunity (sic)the Petitioners. Learned Counsel for the Respondents has rightly submitted that the Market Committee is meticulously following the procedure prescribed in Rule 82(v) of the Rules which is set out hereinbelow for the facility of quick reference:

According to the aforesaid provisions, (sic) option is with the Market Committee to (sic)ect the market fee departmentally or (sic)ough an outside agency. In this case, the Market Committee has decided to col(sic) it through an outside agent and has fairly published an advertisement in a Hindi daily. The advertisement itself states that the auction for the period 1.4.2002 to 31.3.2003 shall be held in the Committee"s Barh Office on 21.2.2002. If the auction with respect to all the items is not completed on 21.2.02, then the auction for the remaining items shall be held on 28.2.2002. It appears that the auction for the item in question concerning the Petitioners could not be held on 21.2.2002 and, therefore, the Committee has published the notice dated 21.2.2002 (Annexure 11) notifying that the auction shall accordingly be held on 28.2.2002 at 11 A.M. I am, therefore, convinced that the prescribed procedure is being followed and the impugned action cannot be faulted. Lastly, the Petitioners have no right of renewal in terms of the agreement.

6. In the result, this writ petition is dismissed.