

(2000) 09 KAR CK 0047
In the Karnataka High Court
Case No : Writ Petition No. 27430 of 2000

Vijay Kumar Jain

APPELLANT

Vs

Joint Director, Agricultural Marketing Committee, Mysore and
Another

RESPONDENT

Date of Decision : 26-09-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 — Section 132(1)

Citation : (2000) 8 KarLJ 429

Hon'ble Judges : Mohamed Anwar, J

Judgement

1. Heard the learned Counsel for respondents. Learned Counsel for petitioner being not present, he could not be heard in the matter.

2. By this writ petition, the petitioner seeks to quash Annexure-E, Notice of Enquiry No. 29/91-92, dated 4-1-2000 issued to him by respondent 1 under Section 132(1) of the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 ("the Act" for short), calling upon him to appear before respondent 1 on 30-1-2000 at 11.00 a.m. in connection with an enquiry to be held by him in respect of the dispute concerning the alleged amount of Rs. 10,869.35 as payable to respondent 2 on account of breach of certain contract between the parties relating to construction work.

3. It transpires from the material on record that respondent 2 has been authorised by the Director of Agricultural Produce Marketing Committee, in exercise of powers under sub-section (2) of Section 132 to hold an enquiry in connection with the petitioner's liability to pay the said amount to respondent 2. Admittedly, the said contract was entered into between the petitioner and respondent 2, which had been terminated on 27-11-1979 and the demand of Rs. 10,869.35 was put-forth by respondent 2. The petitioner denied his liability to pay the same. Hence, the dispute with respect to this amount. Therefore, the matter has been duly referred to the Director of Agricultural Produce Marketing

Committee for his decision thereon, who in turn has authorised respondent 1 to hold an enquiry for the said purpose. Sub-section (2) of Section 132 sufficiently empowers respondent 1 to hold and proceed with the enquiry relating to the said dispute. This provision reads:

"132. x x x x x x x x (1) x x x x x x x x (2) If any question arises whether a sum is due to the Market Committee or the Board within the meaning of sub-section (1), it shall be referred to the Director of Agricultural Marketing or any officer subordinate to him authorised by him, and the Director of Agricultural Marketing or the authorised officer shall after making such enquiry as he deems fit, and after giving to the person from whom the sum is alleged to be due an opportunity of being heard, decide the question; and his decision shall be final and shall not be called in question in any Court or before any other authority".

4. Sub-section (1) of Section 132 states that any sum due to the Market Committee or the Board on account of any charge/cost/expenses/fees/rent or of any other account under the provisions of the Act or any rule, regulation or bye-laws made thereunder shall be recoverable from the person from whom such sum is due, in the same manner as an arrears of land revenue.

5. A plain reading of this provision makes it clear that respondent 2 is empowered to proceed with the enquiry and the petitioner is bound to appear before him to answer the claim of respondent 2 with respect to the said amount and to defend the proceeding.

6. Therefore, no fault could be found with the impugned notice of respondent 1. Hence, the petition is dismissed.