

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 1612 OF 2022

Between:

1. D. Hussain, S/o Balu, Aged about 32 years, R/o H.No.8-6, Balram Thanda, Edulla Cheruvu Khammam District
2. L. Rambabu, S/o L. Balu, Aged about 34 years, R/o Bijjalavari Thota, Grain Market Road, Khammam District.
3. D. Madhar, S/o Balu, Aged 45 years, R/o Balram Thanda, Edulla Cheruvu, Khammam District.
4. J. Ravi Kumar, S/o Shiva, Aged 44 years, R/o H.No.9-80, Kusumanchi, Khammam District.
5. M. Sunith, S/o M. Srinivasa Rao, Aged 29 years, R/o 5-89/9, Sai Prabhath Nagar, Pedda Thanda Village, Khammam District.
6. T. Venkateswarlu, S/o Saidulu, Aged 51 years, R/o Mangapuram, Nelakondapalli, Khammam District.
7. A. Krishna, S/o Ramakoti, Aged 45 years, R/o Basith Nagar, Kamepalli, Khammam District.
8. G. Amani, D/o Srinivas, Aged 29 years, R/o Gandhi Chowk, Khammam urban, Khammam District.
9. M. Srikanth, S/o Dharma, Aged 44 years, R/o Peddathanda, Gandhi Chowk, Khammam Rural, Khammam District.

...PETITIONER(S)

AND

1. The State of Telangana, Rep. by Principal Secretary, Agriculture and cooperative Development, Secretariat Buildings, Hyderabad.
2. The Commissioner, and Director of Agriculture, Secretariat Buildings, Hyderabad.
3. The Agriculture Market Committee, Khammam District Rep by its Selection grade Secretary, Khammam, Khammam District.
4. The Director of Agriculture, Marketing (FAC), Street No.7, Urdu Galli, Himayat Nagar, Hyderabad.
5. The Assistant Director of marketing, Khammam, Khammam District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order, direction or writ, more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in not granting commission agent license to the petitioners vide petitioners applications dt.01/09/2018 and 05/09/2018 by orally communication stating lack of availability of space in the open market even though there is open space available in the open market and similarly situated persons are granted commission agent license in the open market by ignoring our applications in the Khammam Agriculture market yard as being illegal, arbitrary and discriminatory and consequently direct the respondents to forthwith grant commission agent license to the petitioners in the Khammam agriculture market yard.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to forthwith consider the applications of the petitioners afresh for grant of commission agent license in Khammam Market yard basing on the applications dt.01.09.2018 05.09.2018 of the petitioners.

Counsel for the Petitioner(s): SRI. K RATHANGA PANI REDDY

Counsel for the Respondent No R1, R2, R4 and R5: GP FOR AGRICULTURE

**Counsel for the Respondent No R3 :Smt. G NIRAJA REDDY, SC FOR
AGRICULTURE MARKET COMMITTEE**

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.1612 of 2022

ORDER:

The petitioner herein seeks a writ of Mandamus, declaring the action of the respondents in not granting commission agent licence to the petitioner in Khammam Agricultural Market Yard, in spite of submitting applications, dated 01.09.2018 and 05.09.2018, as illegal, arbitrary and for a consequential direction to the respondents to forthwith grant commission agent licence to the petitioner.

2. Heard both sides. Perused the record.

3. Learned counsel for the petitioner would submit that though the petitioner submitted two applications in the year 2018, i.e., applications, dated 01.09.2018 and 05.09.2018, to respondent No.3 for grant of commission agent licence, no action has been taken so far on the said applications. After repeated requests, the respondent No.3 orally intimated the petitioner that there was no availability of space to grant licence to the petitioner. The said oral refusal is only to oblige political pressure and to grant licences in a pick and choose method. Surprisingly, in the year 2021, the respondents have granted licences to nine persons. Granting licences to the persons who made applications in the year 2021 without considering the subject applications made of the petitioner in the year 2018 is illegal, discriminatory and nothing but colourable exercise of powers for extraneous considerations and ultimately prayed to allow the writ petition as prayed for.

4. There is no denial by the respondents with regard to submission of subject applications, dated 01.09.2018 and 05.09.2018 by the petitioner. Admittedly, no orders have been passed by the respondent No.2 on the said applications. Much time has elapsed. By this time, the respondents ought to have disposed of the subject applications submitted by the petitioner.

5. Under these circumstances, the respondent No.3 is directed to examine and dispose of the applications dated 01.09.2018 and 05.09.2018 submitted by the petitioner, strictly in accordance with law, within three (3) months from today.

6. With the above observation/direction, this writ petition is disposed of.

Miscellaneous petitions, if any, pending in this writ petition, shall stand closed. There shall be no order as to costs.

SD/-T.KRISHNA KUMAR
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, State of Telangana, Agriculture and cooperative Development, Secretariat Buildings, Hyderabad.
2. The Commissioner, and Director of Agriculture, Secretariat Buildings, Hyderabad.
3. The Selection grade Secretary, Agriculture Market Committee, Khammam District Khammam, Khammam District.
4. The Director of Agriculture, Marketing (FAC), Street No.7, Urdu Galli, Himayat Nagar, Hyderabad.
5. The Assistant Director of marketing, Khammam, Khammam District.
6. One CC to Sri. K RATHANGA PANI REDDY Advocate [OPUC]
7. Two CCs to GP for AGRICULTURE, High Court for the State of Telangana. [OUT]
8. One CC to Smt. G NIRAJA REDDY, SC FOR AGRICULTURE MARKET COMMITTEE
9. Two CD Copies
10. One Spare Copy

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HIGH COURT

DATED:17/01/2022



ORDER

WP.No.1612 of 2022

**DISPOSING OF THE WRIT PETITION
WITHOUT COST**

12
24/01/2022