

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF DECEMBER, 2015

BEFORE

THE HON'BLE Mr. JUSTICE ANAND BYRAREDDY

Writ Petition Nos.59430-59432 OF 2015 (APMC)

Between:

1. Sree Shaila Traders,
B-21, APMC Yard,
Mandya by its Prop:
H.Atmananda,
S/o Kalegowda,
Aged 54 Years.
2. M/s Star Agencies,
B-19, APMC Yard,
Mandya by its Prop:
Smt. Mumtaz Begum
D/o Late Abdulla Qualik Saheb
Aged 51 years.
3. M/s. Sapthagiri Traders,
B-12, APMC Yard,
Mandya by its Prop:
Ramakrishna,
S/o Late M. Chowdappa,
Aged 45 years. Petitioners

(By Shri. B.R.Satenahalli, Advocate)

And:

1. Director of Agricultural Marketing,
No.16, 2nd Raj Bhavan Road,
Bengaluru – 560 001.
2. The Secretary,
Agricultural Produce Marketing Committee,
Mandya – 571 401.

...Respondents

(By Shri.H. Venkatesh Dodderi, AGA for R-1;
Shri. T. Swaroop, Advocate for R-2)

These Writ Petitions are filed under Articles 226 and 227 of the Constitution of India praying to set aside the (i) order dated 17.06.2015 vide Annex-D, (ii) order dated 17.06.2015 vide Annex-E, (ii) order dated 19.06.2015 vide Annexure-F, issued by the R-2.

These Petitions coming on for Preliminary Hearing this day, the Court made the following:-

O R D E R

Sri.H.Venkatesh Dodderi, Additional Government Advocate takes notice for Respondent No.1 and Sri.T.Swaroop, learned counsel takes notice for

Respondent No.2. They are served with a copy of the petitions.

2. The backdrop of the case is that lease-cum-sale deeds came to be executed by the Agricultural Produce Marketing Committee in favour of each of the petitioners respectively, on the petitioners paying 35% of the price as a down payment towards the value of the shop-cum-godown. As per the terms of the agreement, the petitioners were to pay the remaining 65% of the balance consideration. The petitioners have paid the entire consideration, but after a delay. Instead of executing registered Sale Deeds, the amounts paid were sought to be forfeited by the second respondent and hence, the present petitions.

3. The learned counsel for the petitioners would concede that similarly placed petitioners had

approached this court by way of a writ petition in W.P. 52686/2015, and this court by order dated 3.12.2015, had allowed the petition and directed the respondent – Agricultural Produce Marketing Committee to execute and register a sale deed in respect of the property.

4. This Court, having allowed the petition of persons similarly placed as the petitioners, the petitioners would submit that they would deposit the entire sale consideration along with the interest and other charges with the second respondent and thereafter, the second respondent may be directed to execute and register sale deeds in favour of the petitioners.

Hence, the present petitions are summarily allowed. The respondents are directed to execute and register sale deeds in favour of the petitioners within a period of four weeks, on the petitioners depositing the

entire sale consideration along with the interest and other charges with the second respondent. Consequently, the impugned Annexures – 'D', 'E' and 'F' are quashed.

**Sd/-
JUDGE**

dh