

IN THE HIGH COURT OF KARNATAKA AT
BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2016

BEFORE

THE HON'BLE MR.JUSTICE ARAVIND KUMAR

WRIT PETITION NO.31703/2016 (APMC)

BETWEEN:

AGRICULTURE PRODUCE MARKETING COMMITTEE
PANDVAPURA, BY ITS PRESIDENT
C.V.SWAMYGOUDA
S/O VENKATAGOUDA
AGE 57 YEARS,
R/O PANDAVAPURA
DIST:MANDYA – 571 404

... PETITIONER

(BY SRI. V.M.SHEELVANT, ADVOCATE)

AND:

1. THE DIRECTOR,
OFFICE OF THE AGRICULTURAL
MARKETING DIRECTORATE
NO.16, 11TH RAJ BAHAVAN ROAD,
BANGALORE – 560 001
2. THE DEPUTY COMMISSIONER
MANDYA DISTRICT
MANDYA – 571 404.

.....RESPONDENTS

(BY SRI ANANTHA.H., HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 11.05.2016 PASSED BY R-1 AT ANNEX-B AND DIRECT R-2 TO HOLD ELECTION TO THE MARKET COMMITTEE OF PANDVAPURA, DISTRICT MANDYA AS PER RULE 7 OF THE KARNATAKA AGRICULTURAL PRODUCE MARKETING (REGULATION & DEVELOPMENT) RULES 1968 OF JUSTICE AND EQUITY IN THE INTEREST.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Heard. Perused the records.

2. Petitioner was elected as Chairman of Agricultural Produce Marketing Committee, Pandavapura on 23.12.2015 and the term of the market committee expired on 19.06.2016. First respondent has passed an order dated 11.05.2016 – Annexure-B postponing the elections of the Market Committee. Questioning the postponement of election as being contrary to Section 38 of the Karnataka Agricultural Produce Marketing (Regulation & Development) Act, 1966 and also contending that first respondent has no jurisdiction to appoint any person to discharge the functions of

Chairman or Marketing Committee, present writ petition has been filed.

3. The reliefs sought for in the present writ petition are as under:

- (a) Issue a writ in the nature of certiorari or any other appropriate writ, order or direction and quash the order bearing AMD/23/ Election/ 2015 dated 11/05/2016 passed by the 1st respondent produced at Annexure-B, in the interest of justice and equity.
- (b) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction directing the respondent No.2 to hold election to the market committee of Pandavapura, Dist: Mandya as per Rule 7 of the Karnataka Agricultural Produce Marketing (Regulation & Development) Rules 1968 of justice and equity in the interest.

4. Issues raised in the present writ petition are similar and identical to the issues raised in W.P.Nos.30969-980/2016 and connected matters, which

petition came to be disposed of on 13.06.2016 by following order:

- (1) "Writ petitions are hereby allowed in part.
- (2) A writ of mandamus is issued to the State of Karnataka and Director of Agricultural Produce Marketing Committee by directing them to hold elections to 139 APMCs as under:
 - (i) 19 APMCs whose term has ended prior to 2016, 2 APMCs whose term has ended in April, 2016 and 77 APMCs whose term have ended on 31.05.2016, shall be held on or before 31.08.2016.
 - (ii) Term of APMCs which are coming to an end in June/July/August, 2016 whose numbers are 34, 01 & 05 respectively, shall be held on or before 15.11.2016.
 - (iii) Remaining 1 APMC whose term would come to an end during November, 2016, shall be held on or before 31.12.2016.
- (3) Order No. ಕೃಮಾಇ/19/ಚುನಾವಣೆ/2016 dated 07.05.2016 passed by the Director, Agricultural Produce Marketing Committee - Annexures-B1, D & B in

W.P.Nos.30969-30980/2016,
W.P.No.31274/2016 &
W.P.No.29998/2016 respectively,
are hereby upheld.

- (4) Order No. ಕೃಮಾಇ/19/ಚುನಾವಣೆ/2016 dated 26.05.2016 – Annexure-B in W.P.No.30925/2016, order No. ಕೃಮಾಇ/19/ಚುನಾವಣೆ/2016 dated ____ - 05.2016 – Annexure-B in W.P.No.29999/2016 and order No. ಕೃಮಾಇ/19/ಚುನಾವಣೆ/2016 dated 12.05.2016 – Annexure-C in W.P.Nos.29448-29451/2016 passed by the Director, Agricultural Produce Marketing Committee appointing Deputy Commissioner, Chamarajanagar District, Assistant Commissioner, Lingsugur and Deputy Commissioner, Belagavi District to the respective Market Committees to exercise power of Market Committee and the Chairman of such committees, are hereby upheld.
- (5) Order No. ಕೃಮಾಇ/23/ಚುನಾವಣೆ/2015 dated 11.05.2016 – Annexure-B in W.P.No.31704/2016 and W.P.No.31485/2016 respectively passed by Additional Director (Administration) are hereby quashed and held that jurisdictional Tahsildars of Mandya District and Chickmagalur District would be empowered to exercise powers and perform the functions of Chairman and the Market

Committee until new Market Committee is re-constituted.

- (6) Validity of Section 42 of the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 is upheld.
- (7) No costs.

5. Impugned order dated 11.05.2016 – Annexure-B would indicate that Additional Director, Agricultural Marketing Directorate has passed an order postponing election of the market committees in Chickmagalur District. This Court in W.P.Nos.30969-980/2016 and connected cases had also considered the validity and legality of such orders passed by the Additional Director insofar as Mandya and Chickmagalur District/s are concerned (W.P.Nos.31704/2016 & 31485/2016) and it came to be held as illegal and they were quashed. As such, similar relief requires to be granted in favour of petitioner.

6. Insofar as second prayer sought for in the writ petition relates to issue of writ of mandamus to direct second respondent to hold election to the market committee of Pandavapura is concerned, this Court is of the considered view that in view of directions issued in W.P.Nos.30969-980/2016 and connected cases relating to all the market committees in the State of Karnataka, same would also hold good in respect of Pandavapura market committee also.

7. Hence, I proceed to pass the following:

ORDER

- (1) Writ petition is hereby allowed.
- (2) Order No. ಕೃಮಾಇ/23/ಚುನಾವಣೆ/2015 dated 11.05.2016 – Annexure-B passed by second respondent is hereby quashed.
- (3) Direction issued in W.P.Nos.30969-980/2016 and connected cases would be

squarely applicable to
Pandavapura Market
Committee.

Ordered accordingly.

**SD/-
JUDGE**

VM/sp