

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30<sup>TH</sup> DAY OF NOVEMBER 2016

BEFORE

THE HON'BLE MR. JUSTICE L.NARAYANA SWAMY

**WRIT PETITION NO.56738 OF 2014(APMC)**

**C/W**

**WRIT PETITION NO.56739 OF 2014**

**WRIT PETITION NO.56738 OF 2014**

BETWEEN:

SRI RASIQUILLA SHARIFF  
S/O SRI HAQULLA SHARIFF,  
AGED ABOUT 32 YEARS,  
PROPRIETOR,  
M/S NANA TRADERS,  
R/AT NANA BUILDING,  
NALBANDWADI MOHALLA,  
RAMANAGARAM TOWN,  
RAMANAGARAM DISTRICT

... PETITIONER

(BY SRI.R S RAVI, ADV.)

AND:

1. THE AGRICULTURAL PRODUCERS  
MARKET COMMITTEE,  
APMC YARD,  
B.M ROAD,  
RAMANAGARA TOWN,  
RAMANAGARA DISTRICT – 571 511  
REP: BY ITS SECRETARY

2. THE DIRECTOR OF AGRICULTURAL  
& MARKETING DEPARTMENT,  
NO.16, 2<sup>ND</sup> RAJBHAVAN ROAD,  
BANGALORE – 560001  
(R-2 is amended as per court  
Order dated:16.12.2014)

... RESPONDENTS

(BY SRI.I G GACHCHINAMATH, ADV. FOR R1;  
SMT.KAVITHA H C, HCGP FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE  
ORDER DTD.28/30.6.2012, ISSUED BY THE RESPONDENT VIDE  
ANNEX-F; QUASH THE ORDER DTD.26.9.2012, ISSUED BY THE  
RESPONDENT VIDE ANNEX-G. QUASH THE LETTER  
DTD.26.11.2014, ISSUED BY THE RESPONDENT VIDE ANNEX-P.

**WRIT PETITION NO.56739 OF 2014**

**BETWEEN:**

SRI HAQULLA SHARIFF  
S/O ISHAQ SHARIFF,  
AGED ABOUT 62 YEARS,  
PROPRIETOR,  
M/S SHARIFF TRADERS,  
R/AT NANA BUILDING,  
NALBANDWADI MOHALLA,  
RAMANAGARAM TOWN,  
RAMANAGARAM DISTRICT-571511

... PETITIONER

(BY SRI.RAVI R S, ADV.)

**AND:**

1. THE AGRICULTURAL PRODUCERS

MARKET COMMITTEE,  
APMC YARD,  
B.M ROAD,  
RAMANAGARA TOWN,  
RAMANAGARA DISTRICT – 571 511  
REP: BY ITS SECRETARY

2. THE DIRECTOR OF AGRICULTURAL  
& MARKETING DEPARTMENT,  
NO.16, 2<sup>ND</sup> RAJBHAVAN ROAD,  
BANGALORE – 560001  
(R-2 is amended as per court  
Order dated:15.12.2014)

... RESPONDENTS

(BY SRI.I G GACHCHINAMATH, ADV. FOR R1;  
SMT.KAVITHA H C, HCGP FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 28/30.6.2012 ISSUED BY THE RESPONDENT VIDE ANN-F; QUASH THE ORDER DATED 26.9.2012 ISSUED BY THE RESPONDENT VIDE ANN-G; QUASH THE LETTER DATED 26.11.2014 ISSUED BY THE RESPONDENT VIDE ANN – P.

THESE PETITIONS COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:

### **ORDER**

Pursuant to the applications invited by the Agricultural Produce Market Committee, Ramanagara, (hereinafter referred to as 'APMC' for short) the petitioners applied for allotment of site measuring 30 x 104+124/2 i.e. 3420 square feet in case of

the petitioner in Writ Petition No.56738 of 2014; and the site measuring 30 x 80+114/2 totally 2910 feet in case of the petitioner in Writ Petition No.56739 of 2014 with 25% deposit as required. Considering the same, Sites No.20 and 19 respectively were allotted to the petitioners. The conditions of allotment is that the remaining amount should be deposited within a period of ninety days or within the extendable period of sixty days thereafter. The petitioners issued legal notice dated 6<sup>th</sup> October 2012 insisting upon the respondent-APMC to provide infrastructure as required under Rule 4 of the Agricultural Produce Market (Regulation of Allotment of Property in Market Yards) Rules, 2004 (for short hereinafter referred to as 'the Rules'). The same has been responded by the respondents. Having not satisfied with the response, petitioners made representation in the form of a legal notice on 5<sup>th</sup> January 2013. Pursuant to the same, the respondent-APMC cancelled the allotment. Hence, the petitioners are before this court in these petitions.

2. The grounds urged by the learned counsel appearing for the petitioners is that the cancellation made by the respondents is arbitrary and in violation of Rules 4 and 7 of the Rules. The final amount has to be determined as required under Rules 4, 5 and 7 of the Rules and after providing infrastructure. Secondly, he submits that the extent of the area allotted has also been reduced without notice to the petitioners. Under the circumstance, he submits that the petitioners could not pay the entire amount.

3. The learned counsel appearing for the respondents-APMC has filed statement of objections and submits that as required under the conditions of allotment, the petitioners have not paid the amount within ninety days after allotment and further have not made any application for extending the time-limit, which time for payment of amount would be extendable for another period of sixty days after the expiry of stipulated ninety days time. Hence, the respondents have cancelled the allotment by issuing necessary endorsement. Hence, he submits to dismiss these petitions.

4. Heard the learned counsel for the parties. As per Rules 4, 5, and 7 of the Rules, the allotment is made after the full payment of amount as determined on the basis of the improvement made in respect of the site allotted. The submission of the learned counsel for the petitioners is that since the improvement as required under Rules has not been complied with petitioners could not deposit the amount. But, the initial deposit is made. The total amount, is to be deposited depending upon the improvement made, and since the petitioners have deposited 25% of the amount, the said amount is the value of the allotment. The said submission is not acceptable. When the petitioners have accepted the terms of allotment, thereafter it is not open for them to take a 'U' turn. Secondly, the improvement to the site, as provided under the Rules referred to above, is to be made for final determination. Hence, the submission that the petitioners could not deposit the amount because the improvement as required under Rules is not made, is not acceptable and the same is rejected.

5. The only submission of the petitioners that requires to be considered is in respect of the reduction of area in the site which is contrary to the terms of allotment. Considering the said submission and also in respect of the improvement to be made under Rule 5 of the Rules, the case of the petitioners is to be allowed. Accordingly, it is allowed. Hence, the following:

**ORDER**

1. The respondent is directed to accept the remaining amount that is to be made in respect of the site allotted to the petitioner.
2. The petitioners shall make the remaining payment within a period of eight weeks from today. It is made clear that the remaining amount means, the market value or the interest, whichever is high.
3. On payment of the same by the petitioners, the respondents are directed to register the lease-cum-sale deed in favour of the petitioners.

Petitions, accordingly, stand disposed of.

**Sd/-  
JUDGE**

Inn