

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

ON THE 31ST DAY OF OCTOBER, 2018

BEFORE

THE HON'BLE MR. JUSTICE RAVI MALIMATH

WRIT PETITION NO.39822 OF 2018 (APMC)

BETWEEN:

ZAKIR HUSSAIN BEG
SON OF BUDAN BEG
AGED ABOUT 53 YEARS
HAVING OFFICE IN THE NAME
OF NATIONAL TRADERS
NO 766, B BLOCK
BDA AREA, APMC YARD
YESHWANTHAPURA
BENGALURU - 560022

... PETITIONER

(BY SRI:SHANMUKHAPPA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF COOPERATION
MULTI STORIED BUILDING
DR AMBEDKAR VEEDHI
BENGALURU - 560001

2. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF AGRICULTURE

MULTI STOREYED BUILDING
DR AMBEDKAR VEEDHI
BENGALURU- 560001

3. THE DIRECTOR
AGRICULTURAL MARKETING
RAJ BHAVAN ROAD
BENGALURU - 560001
 4. THE CHAIRMAN
AGRICULTURAL PRODUCE MARKETING COMMITTEE
YESHWANTHPURA
BENGALURU - 560022
 5. AGRICULTURAL PRODUCE MARKETING COMMITTEE
BENGALURU - 560022
BY ITS SECRETARY
- ... RESPONDENTS

(BY SRI:S.CHANDRASHEKARIAH, HIGH COURT
GOVERNMENT PLEADER FOR R1 TO R3,
SRI:T.SWAROOP, ADVOCATE FOR R4 AND R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS TO ISSUE GATE PASS TO THE PETITIONER ORDERING THE TRANSPORT VEHICLES CARRYING ONION AND POTATO TO GET PERMIT AT YASHWANTHPURA APMC VIDE ANNEXURE-E TO E3 RESPECTVELY; DIRECT THE REPSONDENTS TO PROVIDE ELECTRICITY CONNECTIONS TO THE PREMISES WHEREIN THE PETITIONER IS CARRYING ON THE BUSINCESS IN THE YESHWANTPURA APMC VIDE ANNEXURE-E TO E3 RESPECTIVELY AND ETC.,

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

ORDER

The plea of the petitioner is that he is doing business of 'Onion and Potato' at the 'Agricultural Produce Marketing Committee' ('APMC yard' for short), Yeshwanthpura. He has a valid licence in his favour. The existing licence is in terms of Annexure-B which is valid up to 31.03.2028. Notwithstanding the fact that he is doing lawful business, respondent No.5 has not issued Gate pass to enable the petitioner to transport the vehicles to carry the commodities to his shop. Hence, the instant petition.

2. The same is opposed by the learned Counsel appearing for respondent No.5 on the ground that the condition of licence has been violated.

3. However, it appears to be a oral submission as there is no material to indicate that there is any violation of the licence condition. Even assuming that there is a

violation of the licence condition, learned Counsel submits that the licence is still valid and is not withdrawn or cancelled.

4. In view of the admitted fact that the licence continues to be in existence, respondent No.5 has no authority to deny the Gate pass to the petitioner. Under these circumstances, a writ of mandamus is issued to respondent No.5 to issue the Gate pass to the petitioner.

5. So far as the second prayer of mandamus directing the respondents to provide electricity connection is concerned, learned Counsel for respondent No.5 submits that communication has already been addressed to the BESCOM to provide electricity connection to the premises. Hence, in view of the communication being advanced, no order is required so far as the grant of electricity connection is concerned.

The petition is disposed off with the aforesaid directions. The Gate pass to be issued within a period of two days from today.

SD/-
JUDGE

*bgn/-