

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE TENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SMT JUSTICE V.SUJATHA



Between:

WRIT PETITION NO: 747 OF 2024

M/s. Venkata Srinivasa Rice Enterprises, Rep. by its Sole Proprietor,
Somisetty Satish Kumar, S/o Subbarao, aged about 40 years, R/o. 29-2-42/1,
Ramamandiram Street, L.G. Services Center, Governorpet, Vijayawada,
Buckinghampet Andhra Pradesh-520002

AND

PETITIONER

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Agricultural and Co-operation Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The Commissioner and Director of Agricultural Marketing, Guntur, Guntur District.
3. The Chairman, the Agricultural Market Committee, Vijayawada, NTR District (formerly Krishna).
4. The Agricultural Market Committee, Gollapudi, Rep. by its Secretary, Vijayawada, NTR District (formerly Krishna).

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 a writ, order or direction, one more particularly in the nature of Writ of Mandamus declaring the action of Respondents, more particularly the 4th Respondent herein in issuing proceedings bearing Rc.No.38/2023, Dt.12.10.2023, rejecting the Representation Dt.12.09.2023 of the Petitioner herein to stop Levying Cess on Sale of Basmati Rice purchased from other States despite the same having been paid in the state of origin, as being illegal, arbitrary, without jurisdiction, violative of Principles of Natural Justice and in violation of Articles 14, 19(1)(g) and 21 of the Constitution of India and contrary to the provisions of the Andhra Pradesh (Agricultural Produce and Live Stock) Markets Act, 1966, and the Andhra Pradesh (Agricultural Produce and Live Stock) Market Rules, 1969 and Consequently direct the 4th Respondent herein to stop the levy of cess towards the sale of Basmati Rice purchased from other states;

IA NO: 1 OF 2024

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents herein not to levy any cess on the sale of Basmati rice procured/ purchased from other states, Pending disposal of WP 747 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. N. Ashwani Kumar, Advocate for the Petitioner and of Mr.B.Prakasam, learned Standing Counsel for Agricultural Market Committee for the Respondents and the Court made the following;

ORDER:

"At request of Mr.B.Prakasam, learned Standing Counsel for Agricultural Market Committee, for filing counters in other connected batch of Writ Petitions, post the matter along with W.P.No.31279 of 2023, on 22.01.2024.

In the meanwhile, respondents are directed not to take any coercive steps in pursuance of the proceedings vide Rc.No.38/2023, dated 12.10.2023 issued by the 4th respondent."

Sd/- SK. MD. RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

For

SECTION OFFICER

To,

1. The Principal Secretary, Agricultural and Co-operation Department, Secretariat, Velagapudi, Amaravathi, Guntur District, State of Andhra Pradesh.
2. The Commissioner and Director of Agricultural Marketing, Guntur, Guntur District.
3. The Chairman, the Agricultural Market Committee, Vijayawada, NTR District (formerly Krishna).
4. The Secretary, Agricultural Market Committee, Gollapudi, Vijayawada, NTR District (formerly Krishna) (Addressee Nos. 1 to 4 by RPAD)
5. One CC to SRI. N ASHWANI KUMAR Advocate [OPUC]
6. Two CCs to GP FOR AGRICULTURE, High Court of Andhra Pradesh. [OUT]
7. One spare copy

KJ

www.ecourtsindia.com

HIGH COURT

VSJ

DATED:10/01/2024

ORDER

POST THE MATTER ALONG WITH W.P.NO.31279 OF 2023, ON 22.01.2024

WP.No.747 of 2024

DIRECTION

