

**IN THE HIGH COURT OF KARNATAKA  
AT BANGALORE**

Dated this the 24<sup>th</sup> day of July, 2008

**BEFORE:**

**THE HON'BLE MR JUSTICE D V SHYLENDRA KUMAR**

Writ Petition No 10208 of 2008 (APMC)

**BETWEEN**

SRI T GOVINDAIAH  
S/O LATE THIMAPPA  
AGED 38 YEARS  
SIDDANAYAKANA PALYA  
HEBBUR HOBLI  
TUMKUR TALUK

... PETITIONER

[By Sri R Subramanya, for  
Sri Ashok Harahanalli, Adv]

**AND**

1 THE SECRETARY  
AGRICULTURAL PRODUCE MARKETING  
COMMITTEE, NEW MARKET COMPLEX  
BATTAVADE  
TUMKUR 572 103

2 THE DIRECTOR  
AGRICULTURAL PRODUCE  
MARKETING COMMITTEE  
NO 16 RAJA BHAVAN ROAD  
BANGALORE

... RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE

NOTICE DATED 14-7-2008 PASSED BY THE FIRST RESPONDENT  
VIDE ANNEXURE-A AND ETC.,

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

**ORDER**

Writ petition by a member of the Agricultural Produce Market Committee, Tumkur, questioning the legality of the notice of meeting issued by the secretary of the market committee dated 14-7-2008 [Annexure-A to the writ petition], indicating that as many as nine members of the committee have given a requisition for calling for a meeting to move a motion of no-confidence against the sitting chairman of the market committee, a notice being issued to all the members to attend the meeting scheduled to be taken place on 26-7-2008, contending that the notice is clearly in contradiction of Section 44 of the Karnataka Agricultural Produce Marketing (Regulation), Act, 1966 [for short, the Act] and that the notice is bad in law and required to be quashed.



2. Appearing on behalf of the petitioner, Sri R Subramanya, learned counsel, would draw attention to Section 44 of the Act, which reads as under:

**44. Motion of no-confidence:** (1) A motion of no-confidence may be moved by any member against the chairman and the vice-chairman after giving such notice as may be prescribed and such notice shall be supported by not less than one third of the total number of members of the market committee. If a meeting for consideration of the no confidence motion is not directed by the chairman to be convened within fifteen days from the date of notice, the secretary of the market committee shall convene such meeting under the chairmanship of the Tahsildar of the concerned taluk where the office of the market committee is situated.

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and indicates that the meeting if called for by the secretary on the inaction of the chairman, is scheduled to be presided over by the vice-chairman by name one G N Gangadhar, which is not only in violation of the statutory provision but also one giving scope for mischief etc. Submission is that the petitioner cannot expect any free or fair proceedings in the meeting particularly as a person



who has indicated to preside over the meeting is one of the persons who moved motion of no-confidence.

3. It may be so that the notice does indicate the person to be presided over the meeting is not a person who is in terms of Section 44 of the Act, and it presided over by a person against whom is the motion of no-confidence, may or may not cause any prejudice etc.,

4. I find in a matter of this nature, whether the chairman who is elected by members is required to retain that position by inspiring the confidence of the members, but not himself being before the court complaining any flaw in the said notice and the writ prayer for quashing the notice, which will only postpone the event. I am not inclined to interfere with such a matter, particularly to prevent holding of a meeting. It would have been appropriate for the petitioner to point out the secretary that the meeting should have been presided over by the Tahisldar instead of the vice-chairman etc.



4. Be that as it may, it is not proper for this court to interfere with such matter at this stage irrespective of the defects in the notice.

5. Without prejudice to such other possibilities as and when they develop, which the petitioner may question in the manner permitted by law, this writ petition is dismissed, as one not warranting interference at this stage.

Sd/-  
Judge

\*pjk