

IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT GULBARGA

Dated this the 30th day of June, 2011

Before

THE HON'BLE MR JUSTICE HULUVADI G RAMESH

Writ Petition 81673 / 2011 (APMC)

Between:

M/s Imran Trading Company
General Merchant & Commission Agent
APMC Yard, Manvi
By its Proprietor – Md. Khaleel Ahmed
S/o Khatal Ahmed, 44 yrs
Occ: Business R/o Manvi
Raichur

Petitioner

(By Sri Basavaraj R Math, Adv.)

And:

- 1 Director
Dept. of Agriculture Marketing
(APMC), Raj Bhavan Road
Bangalore
- 2 Joint Director (Planning)
Dept. of Agriculture Marketing (APMC)
Raj Bhavan Road, Bangalore



3 Secretary
Agriculture Produce Marketing Committee
Manvi, Raichur

Respondents

(By Sri Mallikarjun C Basareddy, Adv.
for R3)

The Writ Petition is filed under Art.226/227 of the Constitution praying to quash the endorsement dated 25/28.8.2009 – annexure P by the 2nd respondent, etc.

The Writ Petition coming on for preliminary hearing this day, the court made the following:-

ORDER

Petitioner has sought for quashing the endorsement dated 8/9.3.2010 – annexure R and also the endorsement dated 25/28.8.2009 – annexure P passed by the 2nd respondent and for a mandamus to consider the representation dated May 2007, July 2008 and July 2009 – annexures G, J & N.

Petitioner who is doing commission agent business, had applied for allotment of sites to respondent APMC by paying Rs.15,000/- caution deposit towards 25% of the value of the site. The 1st respondent allotted site No.12 to the petitioner for the purpose of doing business at Manvi. On



30.7.2001, the 3rd respondent demanded payment of balance Rs.45,000/- within seven days. However, the petitioner requested the 3rd respondent to extend time by forty five days to pay the balance amount. The request was considered and time was extended by ten days.

According to the petitioner, the said site has not been allotted by collecting the remaining fees to the petitioner nor it is allotted in anybody's favour. As such, he requested for execution of the sale deed in respect of site No.12 by receiving the balance amount. Several representations made by the petitioner in this regard has been rejected. Hence, this petition.

Heard the counsel representing the parties.

According to the counsel representing the respondents, way back in the year 2001 itself an amount of Rs.45,000/- has been demanded and the petitioner, due to his own disability, was unable to pay the amount although he was asked to come and pay the amount and get the lease-cum-sale deed registered. Now, after a lapse of ten years, he has come up with this petition which cannot be entertained. It is even submitted, according to the

petitioner himself, time has been extended at the relevant point of time and in that period also, he has not remitted the amount.

Annexure F is the letter dated 10.8.2001 given by the respondent to the petitioner informing him to pay the balance of Rs.45,000/- and to get the site/plot registered. It appears petitioner was in difficulty at the relevant point of time. There is even a resolution passed during June 2008. Once again, there is a resolution extending time to get the lease-cum-sale deed executed. Then also the petitioner has not evinced any interest. During July 2008, petitioner has given a representation to the respondent which, according to the petitioner, has not been considered. As per the decision taken by the General Body on 10.7.2008, there was a direction issued to the petitioner to get the allotment from the respondent and to take action to put up construction. Several correspondence has taken place between the petitioner and the respondent APMC, Manvi.

If plot No.12 has not been allotted to anybody, the respondent authority to take a decision to consider the case of the petitioner by quoting the prevailing market rate and give him sufficient time to put up

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construction and, it is for the petitioner to abide by the conditions in the event he seeks for allotment of site/plot and for lease-cum-sale deed to be executed in his favour at a later stage.

Subject to payment of reasonable/prevaling market rate that would be fixed by the respondents, and on such execution of sale deed executed by the respondent in favour of the petitioner, petitioner to put up construction thereafter within eight months. A decision shall be taken by the respondent authority within one month from the date of receipt of this order.

Petition is disposed of.

Sd/-
JUDGE

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