

258 (2019) DELHI LAW TIMES 23 (CN)

DELHI HIGH COURT

Vibhu Bakhru, J.

HARISH KUMAR MATLANI & ORS.; JAWAHAR LAL BHATEJA & ORS.;
CHAUDHARY HIRA SINGH MANDI A BLOCK MASHAKHORE HITKARI
SAMITI (REGD); DELHI MASHAKHORE ASSOCIATION(REGD)—

Petitioners

versus

GOVT. OF NCT OF DELHI & ANR.—Respondents

And

BADAM SINGH CHAUHAN & ORS.—Petitioners

versus

AGRICULTURAL PRODUCE MARKTING COMMITTEE & ANR.—

Respondents

W.P. (C) 8323/2017 & CM Nos. 34241/2017 & 20614/2018 with W.P. (C) 8381/2017 & CM No. 34518-19/2017, W.P. (C) 8500/2017 & CM No. 35027-28/2017, W.P. (C) 8504/2017 & CM No. 35032-33/2017 & W.P. (C) 8694/2017 & CM Nos. 35669/2017, 35670/2017 & 36946/2017—Decided on 5.4.2019

Agriculture Produce Market Committee Act, 2003 — Sections 55(2), 79(1), 80, 106 — Delhi Agriculture Produce Marketing (Regulation) General Rules, 2000 — Rule 15(3) — Encroachment — Grant of license — Petitioners are petty traders engaged in business of purchase and sale of fruits and vegetables — Permits were issued on humanitarian ground and created no legal obligation on part of APMC towards permit holders — No such permit were issued after enactment of the Act — No legal vested right acquired by *Mashakhores* to continue to occupy any space at the new *subzi mandi*, on the basis of special functional permit that may have been issued to them prior to 1998 — Unless the license is granted by APMC, the individual petitioners would have no right to operate in the market area or use any space for the marketing of the agriculture produce — None of the petitioners have been issued license in terms of Section 80 read with Rule 15(3) — Relief sought by petitioners to restrain the respondents from interfering with their trade cannot be granted — Licenses for the same can be issued to petitioners, only if they comply with applicable criteria and subject to availability of space.

Result: Petitions dismissed.

Counsel for the Parties:

For the Petitioners : *Mr. A.K. Shrivastav and Mr. Vineet Jindal, Advocates.*

For the Petitioners in W.P. (C) 8500/2017 : *Mr. R.M. Sinha with Mr. Sandeep Khatri, Ms. Prabhkeen Kaur and Mr. Prateek Sinha, Advocates.*

For the Petitioners in W.P. (C) 8694/2017 : ***Mr. Vinod Malhotra and Mr. Nikhil Malhotra, Advocates.***

For the Respondent No. 1/Secretary Development, GNCTD : ***Mr. Sachin Nahar and Mr. V.P. Nahar, Advocates.***

For the Respondent No. 2/APMC all Both : ***Mr. Manish Garg, Mr. Vijay Saini and Ms. Samridhi, Advocates.***

For the Respondent No. 1/GNCTD : ***Ms. Prabhsahay Kaur, Advocate.***