IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JUNE 2020

BEFORE

THE HON'BLE MR. JUSTICE JOHN MICHAEL CUNHA

WRIT PETITION NO.7988 OF 2020 (APMC)

BETWEEN:

1. M/S. ALL INDIA STREET VENDORS
PUBLIC AND CHARITABLE TRUST
AND ALSO CALLED AS AISVPCT®
HAVING REGISTERED OFFICE
AT SHOP NO.15, JAYANAGAR
SHOPPING COMPLEX, 4TH BLOCK
BENGALURU – 560011
AND ALSO AT NO.1/A, COLD STORE
C-BLOCK, NEW KALASIPALYA MARKET
BENGALURU – 560002
REPRESENTED BY ITS AUTHORISED PERSON
MR. MOHAMMED JAVEED
AGED ABOUT 43 YEARS
SON OF NAWAB JAN.

2. VEGETABLE AND FRUIT WHOLESALE
MERCHANT'S ASSOCIATION ®
NO.7, 1ST FLOOR, SRI JAYACHAMARAJENDRA
BENGALURU – 560002
REPRESENTED BY ITS SECRETARY /
AUTHORITY PERSON SRI ARIF KHAN.

3. BENGALURU VEGETABLE WHOLESALE MARKET
MERCHANT'S ASSOCIATION®
NO.13/310, 3RD FLOOR
KUMBARA ASSOCIATION BUILDING

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OPP. SRI JAYACHAMARAJENDRA
WHOLESALE MARKET, J.C.MARKET
KALASIPALYA, BENGALURU – 560002
REPRESENTED BY ITS SECRETARY/
AUTHORISED PERSON
SRI B.V.VIJI KUMAR
SON OF B.P.VEERABYRAIAH. ... PETITIONERS

(BY SRI HUSSAIN MUEEN FAROOQ, ADVOCATE)

AND

1. STATE OF KARNATAKA
BY ITS CHIEF SECRETARY
ROOM NO.321, 3RD FLOOR
VIDHANA SOUDHA
DR. AMBEDKAR VEEDHI
BENGALURU – 560001.

2. THE PRINCIPAL SECRETARY
DEPARTMENT OF AGRICULTURE
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
DR. AMBEDKAR VEEDHI
BENGALURU – 560001.

3. AGRICULTURAL PRODUCERS
MARKET CORPORATION (APMC)
AGRAHARA TANKBUND ROAD
BINNYPET
BENGALURU – 560023
REPRESENTED BY ITS SECRETARY.

4. THE COMMISSIONER OF POLICE
INFANTRY ROAD
BENGALURU – 560001.

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5. THE SUPERINTENDENT OF POLICE
BENGALURU URBAN DISTRICT
PALACE ROAD
BENGALURU – 560001. ... RESPONDENTS

(BY SRI A.R. SHARADAMBA, HCGP FOR R1, 2, 4 & 5;
SRI T. SWAROOP, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS TO PROVIDE PROPER PERMANENT INFRASTRUCTURES, COLD STORAGE, ALLOCATION OF SPACE/SHOPS AND OTHER FUNDAMENTAL ESSENTIAL REQUIREMENTS AND AMENITIES TO THE PETITIONERS TRUST MEMBERS IN LAND BEARING SY. NO.68 AND OTHER LANDS OF GULIMANGALA VILLAGE, SARJAPURA HOBLI-2, ANEKAL TALUK TO ARRY OUT THEIR VEGETABLE BUSINESS BY CALLING FOR TENDERS IN CONSULTATION WITH THE PETITIONERS AND ITS MEMBERS BY FOLLOWING DUE PROCESS OF LAW AND GOVERNING RULES APPLICABLE WITHOUT BIAS AND WITHOUT UNDUE INFLUENCE AND ETC;

THIS WRIT PETITION IS COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING THROUGH VIDEO CONFERENCE:-

O R D E R

Sri T.Swaroop, learned counsel takes notice for respondent No.3-APMC.

2. When the matter is taken up for hearing, learned counsel for the petitioners submits that the petitioners have

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already invoked the jurisdiction of Civil Court in respect of the relief claimed in the petition and the same is pending before the LXVIII Additional City Civil and Sessions Judge, Bengaluru City (CCH-69) and hence, learned counsel seeks leave of this Court to withdraw the petition reserving liberty to the petitioners to urge the contentions taken up in this petition before the Civil Court.

3. His submission is placed on record.

The petition is dismissed as withdrawn. Liberty is reserved to the petitioners to urge all the contentions in the pending suit O.S.No.4605/2017 in CCH-69.

Sd/-
JUDGE

NBM/KA*

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