

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).5614-5615/2005

(From the judgement and order dated 29/10/1998 in WP No.251/1995  
and final order dated 14/10/2004 in LPA No.327/1999 of the HIGH  
COURT OF M.P. AT INDORE)

NAGAR PALIKA NIGAM

Petitioner(s)

VERSUS

KRISHI UPAJ MANDI SAMITI & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP and with prayer for  
interim relief and office report)

(FOR FINAL DISPOSAL)

Date: 31/03/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr. H.K. Puri,Adv.

Mr. Ujjwal Banerjee,Adv.

Mr. S.K. Puri,Adv.

Mr. V.M. Chauhan,Adv.

For Respondent(s) Mr. B.S. Banthia,Adv.

Mr. Naveen Sharma,Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

this appeal  
The question which inter alia arises for consideration in  
is the interpretation of proviso appended to sub-section (3  
) of Section 9 of

M.P. Krishi Upaj Mandi Adhiniyam, 1972, which reads:

rd, sub  
shall not be  
Municipal  
m  
the  
"Provided that the premises used for market ya  
market yard or for the purpose of the Board  
deemed to be included in the limits of the  
Corporation, Municipal Council, Notified Area, Gra  
Panchayat or a Special Area Development Authority, as  
case may be."

....2/-

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One of the questions which incidentally arises inter alia in regard to  
interpretation of the said provision would be as to whether having regard to  
the provision contained in Part IXA of the Constitution of India, t  
he  
Legislature of the State of Madhya Pradesh had the requisite legislat  
ive  
competence therefor. Having regard to the importance of the said question,  
we are of the opinion that the matter should be heard by a larger Bench. It is

accordingly referred to a larger Bench. The Registry shall issue notices upon the Attorney General for India as also the Advocate General of the State of Madhya Pradesh. Let the records be placed before the Hon'ble Chief Justice of India for appropriate orders.

(A.S. BISHT)

COURT MASTER

(PUSHAP LATA BHARDWAJ)

COURT MASTER