

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.Nos.31193 to 31201 of 2015

and

M.P.Nos.1 to 1 of 2015

M/s.Sri Vel Traders
Rep by its Proprietrix
S.Lakshmi
W/o.P.Sakthivel
No.5/7Q, Thottampatti Road,
Keezhapudhur, Oruvandhur Post,
Namakkal Taluk and District. ... Petitioner in WP.31193/15

M/S.J.Prabhu Shankar
represented by its Proprietrix
J.Dhanalakshmi ...Petitioner in WP.31194/15

M/S.JRS Traders
represented by its Proprietor
P.Rajappan ...Petitioner in WP.31195/15

M/S.Rathnagiri Traders
represented by its Proprietrix
M.Vijaya ...petitioner in WP.31196/15

M/s.Sree Vegneswar Traders
represented by its Proprietor
M.Magalingam ...Petitioner in WP.31197/15

M/S.R.J.Traders
represented by its Proprietor
R.Jeevanantham ...Petitioner in WP.31198/15

M/S.Sri Vijay Traders
represented by its Proprietor
A.Jaganathan ...Petitioner in WP.31199/15

M/S.JVM Traders
represented by its Proprietrix
J.Vijaya ...Petitioner in WP.31200/15

M/S.Jayam Traders
represented by its Proprietrix
G.Jayammal

...Petitioner in
WP.NO.31201/15

-Vs-

1.The Commissioner and the
Principal Secretary to Government,
Agricultural Department,
Secretariat, Chennai - 600 009.

2.The Commissioner,
Agriculture Marketing and Agri Business,
Thiru.Vi.Ka. Industrial Estate,
Cipet Road, Guindy,
Chennai - 600 032.

3.The Secretary,
Salem Marketing Committee,
Uthamasolapuram,
Salem - 636 010.

4.The Superintendent,
Regulatory Marketing Committee,
Salem Marketing Committee at
P.Velur, Namakkal District.

... Respondents in all
WPs

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents forbearing from in any manner resorting to demand or levy market fee in respect of Watery coconut which is not an 'Agricultural Produce' not Notified Agricultural Produce; with reference to any Notified Market Area as per the provisions of Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 (Tami Nadu Act XXVII of 1989 in all WPs)

For Petitioner : Mr.L.Chandrakumar

For Respondents: Mr.V.Jayaprakash Narayanan,
Special Government Pleader for R1 & R4
Mr.R.Lakshmi Narayanan,
Additional Government Pleader for R2
& R3

COMMON ORDER

The petitioners are Tender Coconut Traders. They are aggrieved over the act of the respondents, who make payment to pay market fee in respect of Watery Coconut, which is not an Agricultural Produce not Notified as Agricultural Produce with reference to any Notified Market Area as per the provisions of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987.

2. Mr.Chandrakumar, learned counsel appearing for the petitioners would submit that only the Schedule mentioned items would be called as Agricultural Produce, where as Tender Coconut has not been mentioned in the Schedule. Secondly he would submit that for application of the said Act, a notification is required to be given under Section 6(2) of the Act whereas, the petitioners' area was not notified under Section 6(2) of the said Act.

3. It is seen that as if the Tender Coconut has not been mentioned, as rightly pointed out by the Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents 1 and 4 in Class No.3 of the Schedule, 5th item has been described as Coconut (Unhusked or husked or Kopra). When Coconut was specifically referred to and even the description makes it very clear that it is unhusked or husked or Kopra, it would only mean that every item of the Coconut includes Tender Coconut. That apart, it is common knowledge Tender Coconut is an Agricultural Produce, for which one needs no rule or notification probably even if there is any omission. Omission can be made good by understanding the term Coconut, which is capable of including Tender Coconut also. Therefore, the said contention that the Tender Coconut, which is not an Agricultural produce as such has not been described in the Schedule and notified, cannot hold any water.

4. With regard to the area notified under Section 6(2) of the Act, it is covered by the Division Bench of this Court in W.A.No.2232 of 2013 dated 22.07.2015, wherein similar prayer was sought for and the Division Bench went into the question and negatived the similar points raised by the petitioners and therefore, both the contentions are liable to be rejected.

Accordingly, all the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Commissioner and the
Principal Secretary to Government,
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- 4.The Superintendent,
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Salem Marketing Committee at
P.Velur, Namakkal District.

+9 ccs to Mr.C.Prabakaran Advocate sr.53960 to 53968
+1 cc to the Government pleader sr.53814

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