

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2016

CORAM

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.4273 of 2010

and M.P.No.1 of 2010

M/s.V.G.Textiles Private Limited,
Rep.by its Manager,
Venkatesa Mills Post,
Udumalpet 642 128.

...Petitioner

Vs.

The Coimbatore Market Committee
Rep.by its Superintendent of Market
Regulated Market,
Pethappampatti.

...Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India pleased to issue a Writ of Certiorari or any other appropriate Writ, Order or Direction calling for records relating to the Order of the Respondent in proceedings No.Reg.No.262/08 dated 20.07.2009 and quash.

For Petitioner : Mr.R.Parthiban

For Respondent : Mr.Jayaprakash Narayanan
Special Government Pleader

O R D E R

The prayer in the writ petition is for certiorari calling for records relating to the order of the respondent in proceedings No.Reg.No.262/08 dated 20.07.2009 and quash the same.

The case of the petitioner is that the petitioner is a company incorporated under the companies Act and is engaged in the manufacture of cotton yarn. The petitioner purchases cotton from the cotton corporation of India Ltd., Warangal in Andhra Pradesh. Since the sales takes place within the notified area of a market committee at Warangal, Cotton Corporation of India Limited pays market fee under the provisions of the Andhra Pradesh Agricultural produce marketing act. Thereafter, the purchased cotton is stored in the

godown of the petitioner at its factory premises and at the time when the cotton is required for process the petitioner pays the price of the cotton to the cotton corporation of India limited and then takes delivery of the cotton. Petitioner's further case is that since for the purchase of the cotton which taken place in the market committee area of Andhra Pradesh Agricultural produce Marketing Act and the market fee has already been paid there itself, the question of further paying of market fee under the provisions of Tamil Nadu Agricultural Produce marketing (regulation) act 1987 would not arise. Therefore the petitioner has come out with the present writ petition challenging the order issued by the respondent vide his proceedings dated 20.07.2009 whereby the respondent, after having rejected the claim of the petitioner that he is not liable to pay the market fee to the respondent, has directed the petitioner to pay the market fee of Rs.14,38,021/-

3. Heard both sides.

4. The learned Government Pleader appearing for the respondent would submit that as against the impugned order passed by the respondent, under section 60 of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 a revision can be filed before the State Government and once a revision is filed, "the Government may call for and examine the record of any market committee or the Board or of the Director or the collector in respect of any proceeding to satisfy themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed therein....."

5. The learned Additional Government pleader would further submit that in view of the statutory provision of revisional remedy available to the petitioner, the petitioner can very well approach the Government, instead he has approached this Court.

6. This Court prima facie is of the view that section 60 of the Tamil Nadu Agricultural Produce marketing (Regulation) Act, 1987, enables an aggrieved party to approach the revisional authority, namely, the State Government, against any order passed by the market committee authority under the Act and whatever order passed can be challenged therein with all available grounds. In such view of the matter, I am inclined to permit the petitioner to agitate the issue as against the impugned order dated 20.07.2009 passed by the first respondent, before the revisional authority namely the state government and for the said purpose the petitioner can move the revisional authority within three months from the date of receipt of a copy of this order. Once such a revision is filed by the petitioner, the revisional authority shall hear and decide the same in accordance with the provisions of the Act, especially, Section 60 thereof, within a period of four months thereafter. It is made clear that till such period, that is upto disposal of the revision to be filed by the petitioner, no further action for

recovery of the amount as has been indicated in the impugned order can be taken by the respondent or any other authority under him. If the petitioner has not approached the revisional authority within the time stipulated herein it shall be open to the respondent to proceed with impugned order and the money indicated therein can be recovered from the petitioner.

7. With these observations and directions the writ petition is disposed of. The original impugned order filed in the writ petition shall be returned to the petitioner. Consequently Miscellaneous petition is also closed.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

dpq

To

The Superintendent of Market
Coimbatore Market Committee
Regulated Market,
Pethappampatti.

+1 cc to MR.R.PARTHIBAN Advocate SR.NO. 59791

+1 cc to MR.V.JAYAPRAKASH NARAYANAN SPECIAL Government pleader
high court, madras SR.NO. 59946

W.P.No.4273 of 2010
and M.P.No.1 of 2010

nm[co]
RD 12/11/2016

सत्यमेव जयते

WEB COPY