



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.03.2016

CORAM

THE HONOURABLE **MR. JUSTICE B. RAJENDRAN**

W.P (MD) .No.4421 of 2014
and
M.P. (MD) .No.1 of 2014

M/s. Sri Palaniyandavar
Modern Rice Mill
rep. By its Proprietor,
G.Sakthi Saravanan

..Petitioner

Vs

1.State of Tamilnadu,
Rep. By its Secretary to Government,
Agricultural Department,
Fort St.George, Chennai-9.

2.The Tamilnadu State Agricultural Marketing Board,
Rep. By its Commissioner,
Agricultural Department Marketing,
Guindy, Chennai - 32.

3.The Secretary,
Theni Agricultural Marketing Committee,
Theni, Theni District.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, forbearing the respondents from enforcing the provisions of the Tamil Nadu Agricultural produce Marketing (Regulation) Act, 1987, and the Rules made there under or by-laws by any Marketing Committee in respect of purchase of any notified agricultural produce effected outside the notified market area and sold inside or outside the notified area of any marketing committee issued in the Government Gazette in G.O.Ms.No.3, dated 03.01.2003, issued by the 1st Respondent and not to collect levy/ market fee for agricultural produces, directly purchased from farmers.

For petitioner : Mr.K.N.Govardhanan

For Respondent : Mr.M.Rajarajan

Government Advocate

**ORDER**

The petitioner has sent representations to the authorities concerned through which he seeks a direction to the appropriate authorities of local marketing committees, restraining them from levying market fee from the petitioner for any agricultural produces directly purchased from farmers, by enforcing other provisions of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987, in respect of purchase of any notified agricultural produce effected outside the notified market area and sold inside or outside the notified area.

2. The learned Government advocate was put on notice for the respondents.

3. Heard the submissions made by the learned counsel on both side and perused the materials available on record.

4. As pointed out in paragraph No.8, in the counter, the respondents stated that they are not collecting market fee for the purchase made outside the notified area. They further submitted that the petitioner himself admitted that he is selling the notified agricultural produce to other traders inside or outside of the notified area. They also pointed out that a Division Bench of this Court, in its judgement dated 29.06.1994, made in W.P.Nos.6812 and 6813 of 1991, held that the sale of the imported notified agricultural produce in the notified area, such sale becomes subject to levy of market fee. The learned counsel wants to record the same.

6. Recording the above said submission, this Writ Petition is **closed**. If the transaction made inside the notified area, the authorities concerned shall take appropriate steps under Section 24(1) of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Agricultural Department,
Fort St.George, Chennai-9.



2. The Commissioner,
The Tamilnadu State Agricultural Marketing Board,
Agricultural Department Marketing,
Guindy, Chennai - 32.

3. The Secretary,
Theni Agricultural Marketing Committee,
Theni, Theni District.

+1cc to Special Government Pleader in Sr.No.13235

CN/SKN-SK/29.03.2016/3P-5C

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and
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