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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

and

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P (MD) No.21958 of 2016

A.PALANIVEL S/O. ARUMUGHAM
EX-CHAIRMAN AND DIST. PANCHAYAT MEMBER
FORMER MEMBER COIR BOARD(GOVT.OF INDIA)
PRESIDENT TN COCONUT GROWERS ASSOCIATION
PERAVOORANI THANJAVUR.

.. Petitioner

Vs.

1 THE GOVERNMENT OF INDIA
REP. BY THE COMMISSIONER COMMISSION FOR
AGRICULTURAL COST AND PRICES 2ND FLOOR
SHASTRI BHAVAN NEW DELHI - 110 001.

2 THE SECRETARY
DEPARTMENT OF AGRICULTURE CO OPERATION AND
FARMER WELFARE SHASTRI BHAVAN
NEW DELHI - 110001.

3 GOVERNMENT OF TAMILNADU,
REP.BY CHIEF SECRETARY,
SECRETARIAT BUILDINGS,
CHENNAI - 9

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the demand of petitioner for increase of Minimum support price of coconut copra from Rs.59-50 to Rs.102-25 per Kg. for 2016-17 in the light of communications of 1st Respondent dated 10.08.2016 2nd respondent dated 3.10.2016 letter of Principal Secretary/Commissioner (in - Charge) Agriculture Marketing and Commerce Chennai in Lr. No.Ve.Vathi13828/06 dated 15.7.2016 and as per the letter of Director of Agriculture Chennai in Lr.No.Ye Pa The 3/88189/16 dated 4.10.2016 within the time to be stipulated by this Court.



For Respondents

: Mr.R.Nandakumar for R1 & R2
Central Government Standing counsel
Mr.M.Govindan for R3
Spl. Government Pleader

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ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner claims to be the President of the Tamil Nadu Coconut Growers Association, which is a registered Association, of which, the coconut growers in various parts of the Tamil Nadu are the members. He is also the Former Member of the Coir Board (Government of India) and Ex-chairman of Panchayat Union and also a District Panchayat Member. He himself is a coconut grower in Thanjavur District. According to him, atleast 95% of coconut farmers are marginal and small farmers in Tamil Nadu. During the year 2015, according to him, one coconut was selling for Rs.12 to 15/-. During the year 2016, since the production was more and since there was no sufficient market, one coconut was sold for Rs.6/-. At the same time, according to him, during the year 2016, the cost of production of a nut was around Rs.12. The petitioner has further given all the details of the cost of inputs, quantum produced, the sale price during the year 2016 and the lose sustained by the farmers. According to the petitioner, for the year 2017, so far, the Central Government has not announced the minimum support price (MSP) for copra. He has been making representations to various authorities including the State Government.

2. The Principal Secretary/Commissioner in-charge, Agriculture Marketing, Government of Tamilnadu, by his proceedings in Letter No.13828/06 dated 15.07.2016 has informed the petitioner that already the Government of Tamil Nadu has submitted its proposal to the Government of India for announcement of minimum support price for coconut and fix the same at Rs.85/- per kilogram, though the request of the petitioner was to fix at Rs.100/-. The Principal Secretary has further informed the petitioner that fixing the minimum support price for copra is the policy decision of the Government and therefore, the State Government has been all along waiting for a policy decision to be announced by the Central Government.

3. In response to a representation made by the petitioner to the Government of India, Ministry of Farmers Welfare Directorate, of Economic and Statistics, the AD(CC) has sent a letter to the petitioner under letter in F.No.7-9/16 - cc-es, wherein, he has stated as follows:

"Government's Price Policy for agricultural

commodities seeks to ensure remunerative prices to the growers while also safeguarding the interest of



the consumers. Government fixes MSP of various crops, including copra, on the recommendations of the Commission for Agricultural costs and Prices (CAP), views of concerned State Governments and Central Ministries/Departments and other relevant factors. While formulating its recommendations on the price policy for commodities, including copra, the CACP considers, inter alia, a number of important factors including cost of production, changes in input prices, trends in market prices, demand and supply situation, effect on general price level, effect on cost of living etc. The MSPs fixed for copra for 2016 season provide adequate margin over and above the paid out cost including family labour (A2+FL) of copra of All India level estimated by CACP at Rs.4676/- per quintal."

3.1. It is further stated that in the said letter, CACP consults various stakeholders before recommending MSP of copra every year. In this regard, you may recall the discussions in the meeting held at Chennai on 8th September, 2016 attended by the Member Secretary, CACP, Principal Secretary, Department of Agriculture and other senior officers of the State and other stakeholders including yourself.

3.2. It is further stated that with regard to commencement of procurement operations, the proposals for procurement of commodities, including copra, in any state emanates from the State Government as and when they anticipate that the prices of commodities might rule below the declared MSP during the season. "MSP of Copra for 2017 season will be fixed by Government in due course, as per procedure briefed above." with regard to other issues related to State Government, the State Government concerned may be approached.

4. According to the petitioner, even after the said letter from the Central Government, no effective steps have been taken either by the Central Government or by the State Government to expedite the process to announce the minimum support price for copra for the year 2017. The petitioner has produced a letter from the Director of Agriculture, Government of Tamil Nadu, wherein, he has stated that the State Government has already submitted proposal to the Central Government requesting the Central Government to fix the minimum support price for copra for the year 2017 at Rs.85/-.

5. In these circumstances, the petitioner has come up with this petition seeking certain directions in this regard. According to the petitioner, since the procurement season for the year 2017 is going to commence shortly, the process of enhancing the minimum support price for copra for the year 2017 should be



expedited and the MSP should be enhanced atleast before 1st January 2017. Since all his efforts to impress upon the Central Government as well as the State Government are not succeeded, he has come up with this writ petition.

6. Taking notice for the respondents 1 and 2, the learned standing counsel for the Central Government would submit that the Central Government would duly consider the proposal of the State Government and announce the minimum support price for copra for the year 2017 as early as possible.

7. The learned Special Government Pleader, Mr.M.Govindan, appearing for the Government of Tamil Nadu would submit that so far as the Government of Tamil Nadu is concerned, the Government has already submitted proposal to the Union Government recommending for fixing the minimum support price for copra of Rs.85/- per kilogram for the year 2017. Except doing that and except impressing upon the Union Government to expedite the process, the State Government is unable to concede to the request of the petitioner, as it is the policy, which would be taken only by the Central Government. The said statement is recorded.

8. The learned counsel for the petitioner, Mr.V.K.Vijayaraghavan, would submit that though a larger relief has been prayed for in the writ petition, the petitioner would be satisfied, if a simple direction is issued to the respondents to expedite the process of announcing the minimum support price of copra for the year 2017 before the end of December 2016. The same is recorded.

9. In view of the above, without going into the other issues raised in this writ petition, we deem it appropriate to issue a direction as prayed for by the learned counsel for the petitioner across the Bar.

10. In the result, the writ petition is disposed of with a direction to the respondents 1 and 2 to consider the proposal of the Government of India for fixing the minimum support price for copra for the year 2017 and announce the same possibly before the end of December 2016. It is also made clear that the petitioner has requested for fixing the minimum support price for copra for the year 2017, at Rs.102/- per kilogram. It is for the Union Government to consider the said request also, while considering the proposal of the State Government. At any rate, as we have already directed, the announcement shall be made possibly before



December 2016 and at any rate, not later than 31st January 2017.
No costs.

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/True Copy/

Sd/-
Assistant Registrar(CO)

Sub Assistant Registrar

RR

To

- 1 THE COMMISSIONER COMMISSION FOR
AGRICULTURAL COST AND PRICES
GOVERNMENT OF INDIA
2ND FLOOR
SHASTRI BHAVAN NEW DELHI - 110 001.
- 2 THE SECRETARY
DEPARTMENT OF AGRICULTURE CO OPERATION AND
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GOVERNMENT OF TAMILNADU,
SECRETARIAT BUILDINGS,
CHENNAI - 9

+1cc to Mr.M.R.S.Prabhu,Advocate Sr.No. 70022

+1cc to Mr.R.Nandakumar,Advocate Sr.No. 69984

+1cc to Spl.Government Pleader Sr.No. 70282

JAM/29.11.16/KM/SAR I/5P-7C

ORDER MADE IN
W.P(MD)No.21958 of 2016
17.11.2016