

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

And

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.Nos.1031 and 1032 of 2013

And

M.P.Nos.1 and 1 of 2013

Shiva Texyarn Limited,
Repd. By its Manager
V.Suresh

... Appellant in W.A.1031 of 2013

Vishnuram Textiles Limited
Repd. By its Finance Manager
S.Radhakrishnan

... Appellant in W.A.1032 of 2013

Vs.

1. The Superintendent,
Regulated Market Committee,
Coimbatore Market Committee,
Sulur, Coimbatore - 641 401.

2. State of Tamil Nadu
Rep. by Secretary to Government,
Agriculture Department,
Fort St.George,
Chennai - 600 009.

... Respondents in W.A.1031 of 2013

The Superintendent of Market,
Regulated Market,
Coimbatore Market Committee,
Udumalpet - 642 128,
Coimbatore District.

... Respondent in W.A..1032 of 2013

Common Prayer:

Writ appeals filed under Clause 15 of Letters Patent praying to set aside the order and judgment of the learned Judge made in W.P.Nos.23319 of 2010 and 25579 of 2007 respectively, dated 17.07.2012.

W.P.Nos.23319 of 2010 and 25579 of 2007 : Petitions persented to this Court to issue

i) a Writ of Mandamus, forbearing the respondents herein or their men or agents or subordinates or person acting on their

behalf from demanding or levying market fee on the sale of Cotton waste where such sale takes place in the course of export of Cotton waste out of the territory of India.

ii) Writ of Certiorari, Calling for records of the respondent in his first and final notice No.DN 441/2007 dated 2.7.2007 issued by the respondent relating to levying of market committee cess of Rs.5,29,290/- and quash the same as arbitrary, unlawful, violative of principles of natural justice, colourable exercise of powers without application of mind and also against the provisions as contained under section 24(1) of the Tamilnadu Agricultural Produce Marketing (Regulations) Act, 1987.

For Appellants : Mr.R.S.Pandiyaraj

For Respondents : Mr.V.Jaya Prakash Narayanan for R1

Mr.V.Anandha Murthy for R2
Additional Government Pleader

C O M M O N J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

The issue involved in these intra Court appeals is covered by a Judgment of the Division Bench dated 23.09.2016 in W.A.Nos.69 and 70 of 2012.

2.The learned counsel for the appellants and the learned Government Pleader appearing on behalf of the respondents fairly submitted that the issue is no longer res integra in view of the above decision of the Division Bench.

3.Accordingly, by following the Judgment dated 23.09.2016 in W.A.Nos.69 and 70 of 2012, these two intra Court appeals are dismissed. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

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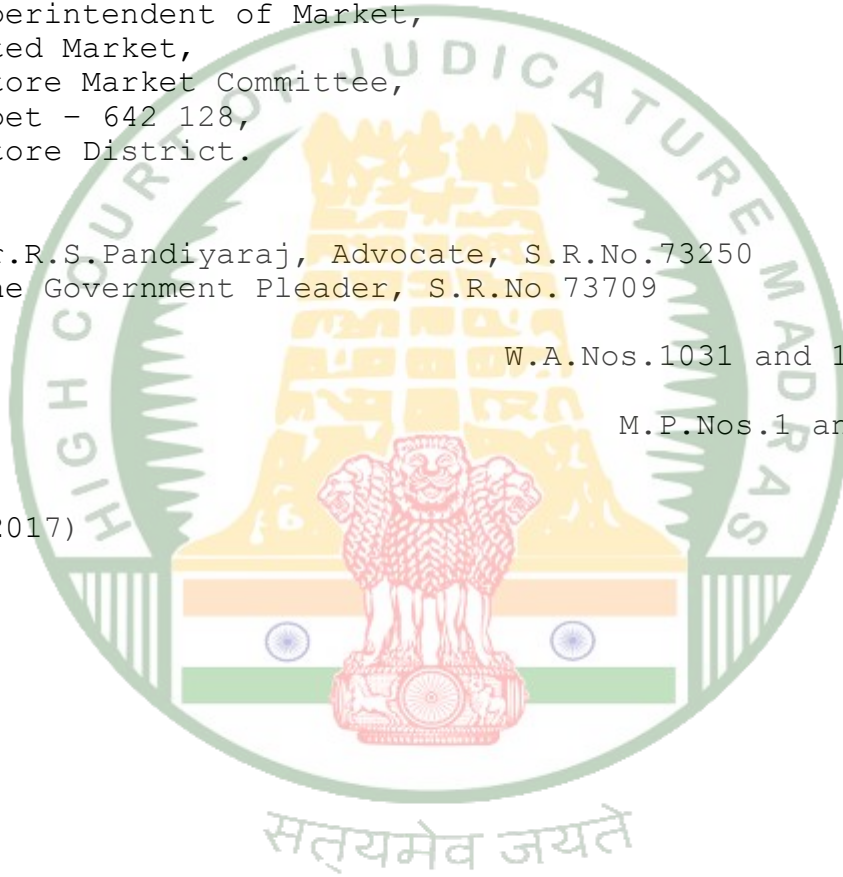
To

1. The Superintendent,
Regulated Market Committee,
Coimbatore Market Committee,
Sulur, Coimbatore - 641 401.
2. The Secretary to Government of Tamilnadu,
Agriculture Department,
Fort St.George,
Chennai - 600 009.
3. The Superintendent of Market,
Regulated Market,
Coimbatore Market Committee,
Udumalpet - 642 128,
Coimbatore District.

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.73250
+1cc to the Government Pleader, S.R.No.73709

W.A.Nos.1031 and 1032 of 2013
and
M.P.Nos.1 and 1 of 2013

NM(CO)
CA(21/11/2017)



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