

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.01.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN

W.P.No.23783 of 2016

and W.M.P.No.20377 of 2016

1.M.Vasanth
2.S.Maheswari
3.R.Ramannan
4.P.Nagaraj
5.G.Pandiaraj
6.R.Thangadurai
7.K.Nithiyanantham
8.S.Prakasam
9.P.Selvi
Petitioners

Vs

1.The Principal Secretary/Commissioner,
Department of Agricultural Marketing
and Agriculture Business,
Chennai-32.

2.The Administrative Officer,
Uzhavar Sandhai,
Gowlipuram Road,
R.S.Puram,
Coimbatore-2.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents from evicting the petitioners from the shops in Uzhavar Sandhai at Gowlipuram Road, R.S.Puram, Coimbatore District.

For Petitioners : Mr.K.Thilageswaran
For Respondents : Mr.RAS.Senthilvel, AGP

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioners claim to be agriculturists and selling their produce through Uzhavar Sandhai between 4.30 a.m. to 11.00 a.m. at Gowlipuram Road, R.S.Puram, Coimbatore. Their grievance is that without putting them on notice, the respondents are trying to dispossess them and therefore, they came forward to file this writ petition.

3. This Court, after taking into consideration, the grounds raised in paragraph [a] and [c] of the affidavit filed in support of the writ petition, had granted an order of ad-interim injunction restraining the respondents from disturbing the possession of the petitioners in respect of shops and occupation till 28.07.2016, except under due process of law.

4. The second respondent has filed the counter affidavit. It is relevant to extract paragraph Nos.11 and 12.

"11. It is respectfully submitted that the writ petitioners were agriculturist doing agriculture by obtaining lease agreement on a piece of land belong to the same land owner and they have issued farmers identify card as they were doing agriculture in leased piece of land. By this way they were fulfilled the eligibility criteria as described in the para 4 mentioned above.

12. It is respectfully submitted that all the petitioners were leased land holders of a portion of the same land of 4.80 ha lying in the S.F.No.89,90,80, patta No.535 of Velusamy and Tmt.Lakshmi, Narseepuram Village, Perur Taluk. They have been allotted shops in the said Uzhavar Sandhai. From 01.04.2016 to 20.07.2016, till date all the petitioners where regular incoming farmers of Uzhavar Sandhai, about 3 to 4 tonnes of vegetables/day worth of Rs.14,000 to 16,000 are being transacted at this Uzhavar Sandhi. We have not orally or writing to leave/close their shops, or get evicted. Hence, I vehemently deny entire set of allegation made in the affidavit of the petitioners."

5. Learned counsel appearing for the petitioners would submit that in the light of the stand taken in paragraph No.11 and 12, the writ petition may be disposed of, accordingly.

6. Per contra, Mr.RAS.Senthilvel, learned counsel appearing

for the respondents has drawn the attention of this Court, to paragraph No.13 of the counter affidavit and would submit that the lease agreement for cultivation of land got expired already and the petitioners have not submitted any documents for renewal of the lease agreement. A surprise inspection would also reveal that the agriculturists are selling certain agricultural produces, which were not cultivated by them.

7. This Court, taking into consideration the above facts and circumstances, permits the respondents to resort to due process of law to dispossess the petitioners if they wish to do so, and the petitioners also shall strictly comply with the terms of the allotment and also keep the environment in a clean and healthy condition.

8. The Writ Petition is disposed of, subject to the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary/Commissioner,
Department of Agricultural Marketing
and Agriculture Business,
Chennai-32.

2.The Administrative Officer,
Uzhavar Sandhai,
Gowlipuram Road,
R.S.Puram,
Coimbatore-2.

+1cc to Mr.K. Thilageswaran, Advocate, S.R.No.3591
+1cc to the Government Pleader, S.R.No.3753

rp(CO)
md(02/02/2017)

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