



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **28.03.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**
W.A.[MD].No.286 to 295 of 2017

and

**C.M.P (MD) .Nos.3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059 and
3060 of 2017**

The Supervisor,
Regulated Market,
No.16-A, Kulamangalam Road,
Sellur, Madurai 625 002,
Presently at Paddy Complex,
Mattuthavani
Madurai-7.

: Appellant in all the Writ
Appeals/Respondent

Vs.

L.P.P.M.Manickavasagam

: Respondent in
W.A.No.286/17/Petitioner

M.CHANDRASEKARAN

... Respondent in WA(MD). 287/ 2017

T.ARUMUGASAMY

... Respondent(s) in WA(MD). 288/ 2017

N.THIRUNAVUKKARASU, S/o.NAGAPPA CHETTIAR, M/s.VIMALA & CO.,

DHALL MARCHANTS

... Respondent(s) in WA(MD). 289/ 2017

M. SURESH NADAR

... Respondent(s) in WA(MD). 290/ 2017

N. THIRUNAVAKKARASU, S/o.NAGAPPA CHETTIAR, M/s.VIJAYA TRADING
COMPANY

... Respondent(s) in WA(MD). 291/ 2017

S. RAJKAPOOR

... Respondent(s) in WA(MD). 292/ 2017

R.VIJAYARAGHAVAN

... Respondent(s) in WA(MD). 293/ 2017

N.KATHIRESAN

... Respondent(s) in WA(MD). 294/ 2017

KAPALEESWARAN

... Respondent(s) in WA(MD). 295/ 2017

PRAYER: Writ Appeals filed under Clause 15 of the Letters Patent against the order dated 23.08.2006 made in W.P.(MD).No.4018 ,4023, 4019 to 4022,4024 to 4027 of 2006 respectively 4027 of 2006 on the file of this Court.

W.P.Nos. 4018,4023,4019 to 4022, 4024 to 4026 of 2006

Writ Petitions presented under Article 226 of the Constitution of India to issue Writs of Certiorari, calling for the records in STC Nos. 739/2002, 736/2002, 10/03, 698/02, 737/02, 704/02, 701/02, 738/02, 722/02, and 724 of 2002 respectively on the file of the Judicial Magistrate, No.I, Madurai pertaining to the criminal prosecution pending against the petitioner and quash the same.



For Appellant

: Mr.VR.Shanmuganathan(The all WAS)
Special Government Pleader**COMMON JUDGMENT**

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

These Writ Appeals are directed as against the Common Order dated 23.08.2006 made in W.P.(MD).No.4018 to 4027 of 2006.

2. The question, which arose for consideration before the Writ Court, is whether the criminal investigation launched by the respondents is valid. The Writ Court, after considering the provisions of the Tamil Nadu Agricultural Produce Marketing Regulation Act, 1987, held that the prosecution is not sustainable on a technical ground and accordingly, the Writ Petitions were allowed.

3. This Court had an occasion to consider the similar Writ Appeals filed by the aggrieved party in **W.A(MD)No.81 of 2011 and W.A(MD)Nos.269 to 287 of 2007, dated 22.03.2017** and held as follows:-

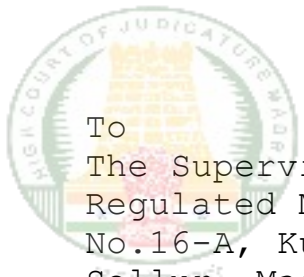
"3.The said Writ Petitions were allowed following the order this Court made in W.P.No.3440 of 2005 etc., batch, dated 7.3.2006. As against the said Order, Writ Appeals have been filed before the Honourable Division Bench of this Court in W.A.Nos.408/06 etc., batch and those Writ Appeals were dismissed. Thus the order passed in W.P.No.3440 of 2005 etc batch was confirmed. Consequence of this is, the impugned complaints in all these cases were held not to have been lodged in accordance with Section 58(2) of the Tamil Nadu Agricultural Produce Marketing Regulation Act, 1987. Therefore only on that technicality, the complaints were quashed and as such, the order was confirmed in appeals. In the light of the same, all these Writ Appeals are dismissed, on the very same ground that the complaints having been lodged in accordance with the provisions of Section 58(2) of the above said 'Act' and these Writ Appeals are dismissed on that ground only. No costs.

4. Following the said decision, the present Writ Appeals are also dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(P & A)

/True Copy/



To
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Presently at Paddy Complex,
Mattuthavani ,
Madurai-7.

NB
JS/SV/MMS/2.05.2017/3P-2C

**COMMON JUDGMENT MADE IN
W.A. [MD].No.286 to 295 of 2017
28.03.2017**