

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2018

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.38542 of 2003

and

W.M.P.Nos.46771 of 2003 and 51 of 2009

Veejay Lakshmi Enginnering Works Limited,
N.G.G.O.Colony P.O.,
Sengalipalayam,
Coimbatore - 641 022, Rep by its
Authorised Signatory K.Ponnuswamy.Petitioner

Vs

1. The State of Tamil Nadu rep.by its
Secretary to Government,
Agriculture Department,
Fort St.George,
Chennai - 600 009.
2. The Superintendent,
Regulated market,
Coimbatore Market Committee,
Sirumugai Road, Shastri Nagar,
Karamadai - 641 104. Respondents

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a writ of
Certiorari, calling for the records relating to the
Notice No.476/2003 dated 17.12.2003 of the 2nd Respondent,
quash the same.

For Petitioner :Mr.R.S.Pandiyaraj

For Respondents:Mr.G.B.Rajesh,
Government Advocate.

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O R D E R

The relief sought for in the present writ petition
is to call for the records relating to the Notice
No.476/2003 dated 17.12.2003 of the 2nd Respondent and
quash the same.

2. The learned counsel for the writ petitioner
fairly made a submission that the issue is squarely
covered by the judgment of the Hon'ble Division Bench of
this Court dated 17.11.2006 in W.P.Nos.19916 of 1999
etc., batch, held in paragraphs 3, 4 and 5, which read as

"3. Section 60 of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act reads as follows:

"Section 60: Revision:

(1) The Government may call for and examine the record of any market committee or the Board or of the Director or the Collector in respect of any proceeding to satisfy themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed therein; and if, in any case, it appears to the Government that any such decision or order should be modified, reversed or remitted for reconsideration, then, the Government may pass orders accordingly:

Provided that, before passing any order under this sub-section, the Government--

(a) shall if such order is likely to be prejudicial to any person, give such person a reasonable opportunity of making his representations; and

(b) may consult such authority or officer as they deem fit.

(2) The Government may stay the execution of any such decision or order pending the exercise of their powers under sub-section (1) in respect thereof."

4. In view of the fact that there is alternative remedy available to the petitioners, without giving any finding on merit, we allow the petitioners to prefer Revision before the State within four weeks from the date of receipt of a copy of this order and if any Revision is preferred by the petitioners, the State Government/competent authority will decide the case on merits after notice and hearing the petitioners and others, preferably within four months from the date of filing of such Revision. It will also be open for the petitioners to ask for appropriate interim order, if they are so advised.

5. The writ petitions stand disposed of with the aforesaid observations and directions. No costs. P.M.P. is closed."

3. In view of the abovesaid judgment of the Hon'ble Division Bench of this Court, the writ petitioner has to exhaust the alternative remedy available under the provisions of the Act, as cited supra. Thus, no further adjudication is required in respect of the grounds raised in the present writ petition and accordingly, the writ petition stands disposed of with reference to the judgment of the Hon'ble Division Bench of this Court, cited supra. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Ccc)

//True Copy//

Sub Assistant Registrar

pns
To

1. The Secretary to Government,
State of Tamil Nadu
Agriculture Department,
Fort St.George, Chennai - 600 009.
2. The Superintendent,
Regulated market,
Coimbatore Market Committee,
Sirumugai Road, Shastri Nagar,
Karamadai - 641 104.

+1cc to Mr. R.S.Pandiyaraj, Advocate SR.No. 80253

+1 CC TO GOVERNMENT PLEADER SR.NO. 80927

W.P.No.38542 of 2003

ASK(20/12/2018)

सत्यमेव जयते

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