

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.3918 and 3946 of 2019

V.Keerthana .. Petitioner in W.P.No.3918/19

R.Venkatesh Kumar .. Petitioner in W.P.No.3946/19

Vs

1. The State of Tamil Nadu,
Rep. By its Secretary to Govt.,
Agricultural Department,
Fort St. George, Chennai - 9.

2. The Tamil Nadu State Agricultural
Marketing Board,
Rep. By the Commissioner,
Agricultural Department Marketing,
Guindy, Chennai - 32.

3. The Secretary,
Tiruvannamalai Regulated Market Committee,
Anna Salai, Tiruvannamalai Town,
Tiruvannamalai District.

.. Respondents in both WPs

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents herein that the respondents should not disturb and should not prevent the petitioners from transporting the goods purchased by the petitioners outside the notified area and further instruct them that they should collect cess from the petitioners only for transporting the goods purchased outside notified area by considering the petitioners' representation dated 08.10.2018.

For Petitioners : Mr.Thirunavukkarasu

For Respondents : Mr.V.Jayaprakashnarayanan, G.P. (I/C)

COMMON ORDER

The petitioners have filed the present writ petitions seeking for issuance of a writ of mandamus to direct the respondents not to disturb/prevent the petitioners from transporting the goods purchased by them outside the notified area and further instruct them that they should collect cess from the petitioners only for transporting the goods purchased outside the notified area by considering their representation dated 08.10.2018.

2. When the matter is taken up, Mr.V.Jayaprakash Narayanan, learned Government Pleader (Incharge) appearing for the respondents, by relying on the judgment of the Hon'ble Division Bench of this Court in Thiruvapur Agricultural Marketing Committee and others Vs. State of Tamil Nadu and others [MANU/TN/3319/2015], stated that a similar prayer as that of the prayer in the writ petitions has already been rejected in the above said judgment, therefore, by following the said judgment, the present writ petitions also may be dismissed. For better appreciation, paragraph No.36 of the said judgment is extracted below:-

"36.The question as to whether a particular item is a notified agricultural produce, the question as to whether it was bought and sold in a notified market area and the question as to whether the notified agricultural produce was brought into the notified area only for the purpose of processing or for the purpose of export are all questions of fact, which have to be decided as and when the occasion arises and at the time of every transaction. In a writ petition under Article 226, such disputed claims are not open to scrutiny. Therefore, the writ petitioners cannot seek a Mandamus on the ground that they are buying and selling notified agricultural produce outside the notified market area. Whether or not, the writ petitioners are buying and selling the notified agricultural produce outside the notified area is a question of fact, on which, no adjudication can be made by this Court for the purpose of issuing a Mandamus to forbear the respondents from enforcing the provisions of the Act."

4. In view of the above, since a similar prayer has already been rejected by the Hon'ble Division Bench of this Court in the judgment cited supra, by following the said judgment, the present writ petitions are also dismissed. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkm

To

1. The Secretary to Govt.,
Agricultural Department,
Fort St. George, Chennai - 9.
 2. The Commissioner,
Tamil Nadu State Agricultural
Marketing Board,
Agricultural Department Marketing,
Guindy, Chennai - 32.
 3. The Secretary,
Tiruvannamalai Regulated Market Committee,
Anna Salai, Tiruvannamalai Town,
Tiruvannamalai District.
- +2 ccs to M/s.V.Jayaprakashnarayanan, Advocate, S.R.No.12274,11958.
- +2 ccs to M/s.K.Thirunavukkarasu, Advocate, S.R.No.11926,11925.

सत्यमेव जयते

W.P.Nos.3918 and 3946 of 2019

SAI(CO)
SSM(01/03/2019)

WEB COPY