

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11-01-2019

CORAM

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

W.P.No.24432 of 2005
And
W.V.M.P.No.1625 of 2006

M/s.Vijayalakshmi Cashew Company,
Kochipillimoodu,
Kollam Represented by its Accountant
Mr.Vishwamohan, S/o.Paramu,
Kerala State.

..Petitioner

VS

1.The Commissioner,
Agricultural Marketing and Agri-Business,
Guindy,
Chennai-600 032.

2.Trichirapalli Market Committee,
Tiruchirapalli.

3.The Superintendent,
Regulated Market,
Jayankodam,
Perambalur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the proceedings of the third respondent in No.Nil dated 1.6.2005 and consequential proceedings issued in Roc.No.42/2005 dated 1.7.2005 and quash the same and to direct the

respondents 1 to 3 to forbear from demanding or collecting market fee from the petitioner in respect of cashew nut brought into notified market area for being processed and after processing transfer the cashew kernels to the place outside the notified area without any sale as per the proviso to Section 24(1) of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.S.Saravanan

ORDER

The learned counsel, appearing on behalf of the respondents, relying on paragraph-17 of the counter-affidavit, made a submission that the writ petition becomes infructuous. Paragraph-17 of the counter-affidavit is extracted hereunder:-

"I respectfully submit that Section 60 of the Act provides for a revision to the Government against any proceedings or decisions or order that is passed by the Market Committee. The writ petitioner has filed revision petition under Section 60 of the Act. Since the petitioner has availed a statutory remedy is available against the impugned order, this writ petition is not maintainable."

2. In view of the averments made in paragraph-17 of the

abovesaid counter-affidavit, it is left open to the writ petitioner to redress his grievances in the manner known to law.

3. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.01.2019

Index:Yes

Internet: Yes

Speaking / Non-Speaking order

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To

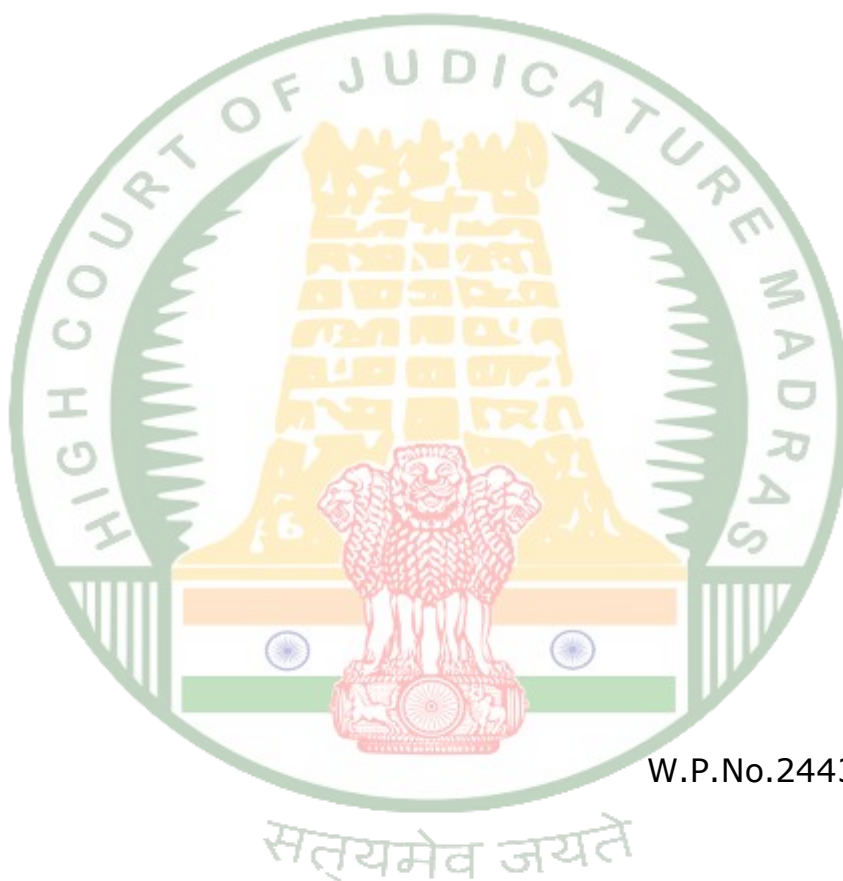
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S.M.SUBRAMANIAM, J.

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