

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.20529 of 2018
and W.M.P.No.24141 of 2018

1. M/s.Aishwarya Spices
Rep. by its Proprietor,
Mrs.B.Nalini Kumari
17/36, A.C.M.A, Mill Street,
Pollachi - 642 001.
2. M/s.Sri Meenakshi Traders
Rep. by its Proprietor
Mr.M.Somasundaram
29, Goods-Shed Road,
Rajagopal Compound,
Pollachi - 642 001
3. M/s.K.S.N.Traders,
Rep. by its Proprietor
Mr.K.S.Narayanasamy
28-A, Rajagopal Compund,
Good-Shed Road, Pollachi - 642 001.
4. M/s.K.Arumugam
Rep. by its Proprietor
Mr.K.Arumugam
30/6, Good-shed Road,
Rajagopal Compound, Pollachi - 642 001.
5. M/s.Sri Srinivasa Traders,
Rep. by its Proprietor
Mrs.S.Sakunthala
19/35, A.C.M.A. Mill Road,
Pollachi - 642 001.

...Petitioners

Vs.

1. The Secretary to Government
Agriculture Department
Fort St.George
Chennai - 600 009.

2. The Commissioner of Agricultural Marketing
and Agri Business,
Chennai - 600 032.

3. The Secretary
The Coimbatore Market Committee
Rep. by its Superintendent of Markets,
Regulated Market, Pollachi Taluk,
Coimbatore District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to consider the representations of the petitioners dated 09.05.2018 and 10.05.2018 and further to exercise its power under the provisions of the Tamil Nadu Agriculture Marketing Regulation Act and thereby issue a Notification under Section 9 & 65 of the said Act and consequently stop levying/demanding Market Fees for the inter-state purchase and sale of dried red chillies outside the Notified Area of the Pollachi Taluk.

For Petitioners : Mr.Ami V.Kataria

For Respondents : Mr.R.Govindasamy
Special Government Pleader
for R1 and R2
Mr.V.Jayaprakash Narayanan
for R3

O R D E R

This writ petition is filed seeking for the following relief:

To issue a Writ of Mandamus, directing the 3rd respondent to consider the representations of the petitioners dated 09.05.2018 and 10.05.2018 and further to exercise its power under the provisions of the Tamil Nadu Agriculture Marketing Regulation Act and thereby issue a Notification under Section 9 & 65 of the said Act and consequently stop levying/demanding Market Fees for the inter-state purchase and sale of dried red chillies outside the Notified Area of the Pollachi Taluk.

2. It is represented by the learned counsel for the petitioners that during the pendency of the writ petition, the 2nd respondent has passed an order on 05.01.2019 rejecting the claim of the petitioners.

3. If the claim of the petitioners is rejected by passing such an order, it is for the petitioners to challenge the same in the manner known to law. Since the representation made by the

petitioner has already been considered and rejected, nothing survives in this writ petition to be adjudicated upon further.

4. Accordingly, this Writ Petition is disposed of by granting liberty to the petitioners to challenge the order dated 05.01.2019 in the manner known to law by raising all the contentions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Secretary to Government
Agriculture Department
Fort St.George
Chennai - 600 009.
2. The Commissioner of Agricultural Marketing
and Agri Business,
Chennai - 600 032.
3. The Secretary
The Coimbatore Market Committee
Rep. by its Superintendent of Markets,
Regulated Market, Pollachi Taluk,
Coimbatore District.

+1 cc to Mr.V.Kataria, Advocate, S.R.No.15381

+1 cc to Mr.V.Jayaprakash Narayanan, Advocate, S.R.No.15623

+1 cc to the Government Pleader, S.R.No.16648

PP(CO)
SSM(19/03/2019).

W.P.No.20529 of 2018

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