



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.10.2019
CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.22330 of 2019
and W.M.P. (MD) .No.19092 of 2019

Cashew Factory Owner's Development
Association of Tamil Nadu
rep. by its Secretary
No.6/109, Nediyaivilai
Chenkodi Post-629 177
Kanyakumari District.

... Petitioner

vs.

1. The State of Tamil Nadu
rep. by its Secretary,
Department of Agricultural Marketing
and Agricultural Business,
St. George Fort,
Chennai-09.

2. The Director,
The Directorate of Agricultural Marketing and
Agricultural Business,
Thiru.Vi.Ka.Industrial Estate, CIPET-II
Main Road, Guindy,
Chennai-32.

3. The Commissioner
The Tamil Nadu Agricultural Marketing and
Agricultural Business,
Thiru.Vi.Ka.Industrial Estate, CIPET-II
Main Road, Guindy,
Chennai-32.

4. The Secretary,
Kanyakumari Market Committee,
Nagercoil-01,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 1st respondent State Government to consider and pass orders on the representation submitted by the petitioner society dated 01/11/2018 seeking exemption in favour of the District of Kanyakumari from the Market Fee of 1% levied for processing and marketing Cashew Nuts imported



from Foreign Countries in terms of Section 65 of the Tamilnadu Agricultural Produce Marketing (Regulation) Act 1987.

For Petitioner : Mr.K.Ragatheesh Kumar for M/s.Isaac Chambers
For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader

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O R D E R

Mrs.J.Padmavathi Devi, learned Special Government Pleader, takes notice on behalf of the respondents.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.This writ petition has been filed to direct the 1st respondent State Government to consider and pass orders on the representation submitted by the petitioner society dated 01.11.2018 seeking exemption in favour of the District of Kanyakumari from the Market Fee of 1% levied for processing and marketing Cashew Nuts imported from Foreign Countries in terms of Section 65 of the Tamilnadu Agricultural Produce Marketing (Regulation) Act 1987.

4.The petitioner is the Secretary of the Cashew Factory Owners Development Association. The grievance of the petitioner is that in Kanyakumari District, for Cashew nuts, 1% of the market fee is imposed. As per the Government of Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987, the Government is provided with the power to amend the schedule, as per which, the Government can withdraw imposition of 1% market fee over cashew products. Insofar as the Districts of Kanyakumari, Kadaloor, Trichy, Theni and Pollachi alone, market fee has been imposed and it is not imposed in other Districts. Therefore, the petitioner has submitted a representation on 01.11.2018 and the same is pending. Aggrieved over the same, the petitioner is before this Court.

5.It is well-known that when a representation is made by the persons aggrieved, the authorities are expected to dispose of the same within a reasonable time and it cannot be kept in a cold storage. It is for the authorities to take a decision either to accept it or to reject it, by applying their mind to the issues concerned. Now, the application is pending from 01.11.2018. Therefore, a direction is given to the first respondent to consider the application of the petitioner dated 01.11.2018 and take a decision either to accept it or to reject it within a period of 8 weeks from the date of receipt of a copy of this order.



6. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

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Sub Assistant Registrar (CS)

To

1. The Secretary,
State of Tamil Nadu
Department of Agricultural Marketing
and Agricultural Business,
St. George Fort,
Chennai-09.
2. The Director,
The Directorate of Agricultural Marketing and
Agricultural Business,
Thiru.Vi.Ka.Industrial Estate, CIPET-II
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4. The Secretary,
Kanyakumari Market Committee,
Nagercoil-01,
Kanyakumari District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-93964[F] dated 23/10/2019)

+1 CC to SPL GP (SR-94230[F] dated 24/10/2019)

W.P. (MD) No.22330 of 2019
22.10.2019

VS

MK (07.11.2019) 3P 7C