



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.07.2020

CORAM :

WEB COPY

THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD).No.7089 of 2020

and

W.M.P(MD)Nos.6526 and 6527 of 2020

Idukki District Traditional Cardamom
Producer Co., Ltd.,
rep., by its Managing Director,
T.V.Ramkrishnan

... Petitioner

Vs.

1.The Spices Board,
(Ministry of Commerce & Industry Govt., of India)
rep., by its Secretary,
Sugantha Bhavan,
N.H. By-Pass, Post Box No.2277,
Palarivattom Post, Cochin-682 025.

2.The District Collector,
Theni, Theni District.

3.The District Collector,
Idukki District, Kerala.

(R2 & R3 *suo motu* impleaded vide Court order dated 16.07.2020
in W.P(MD).No.7089 of 2020) ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of respondent vide proceeding No.MKT/AUC/SCHEDULE/01/2018 dated 22.06.2020 and quash the same as illegal as devoid of merits and consequently direct the respondent to allot E-auction slot/schedule for petitioner's company at spices board E-auction centre, Bodinayakanoor at Theni District, Tamil Nadu alone, for the forthcoming month of July 2020 and further till normalization of the Covid-19 situation based on the representation of the company dated 19.06.2020.



For Petitioner : Mr.Raja.Karthikeyan
For Respondents : Mr.K.Govindarajan
for R1
Mr.S.Angappan
Government Advocate
for R2 & R3

WEB COPY

ORDER

Heard the learned counsel appearing for the writ petitioner, learned Standing Counsel appearing for the Spices Board and the learned Government Advocate appearing for the respondents 2 and 3.

2.The petitioner challenges the impugned communication issued by the Spices Board rejecting the petitioner's request for conducting E-auction at Bodinayakanoor alone.

3.The learned Standing Counsel submitted that the Spices Board conducts auction at two places, one at Puttady in the State of Kerala and the other at Bodinayakanoor in the State of Tamil Nadu. It is true that the auctioneers as well as the growers have been put to considerable difficulty on account of the current pandemic situation. The growers are finding it difficult to enter the State of Kerala. The petitioner's counsel stated that the petitioner is also finding it difficult to enter the State of Kerala.

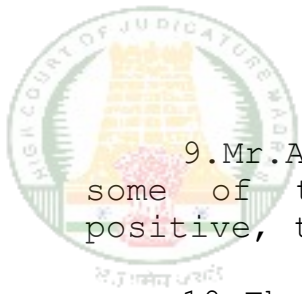
4.This Court, therefore, directed the learned Standing Counsel to get instructions in this regard.

5.The learned Standing Counsel today (21.07.2020), based on instructions, informed the Court that the Board will co-ordinate with the District Administration of Theni as well as the District Administration of Idukki and recommend issuance of E-pass for the petitioner to take part in the E-auction to be held at Puttady.

6.The said submission made by the Spices Board through their learned Standing Counsel is placed on record.

7.It is further stated that in the meeting convened by the District Administration, it was decided that only the traders alone will be allowed to take part and there will be some difficulty in permitting the growers to take part.

8.Be that as it may, this Court directs the Board to hold the E-auction at Bodinayakanur in the month of August-2020. I am constrained to issue this direction, because the auction earlier proposed was cancelled on account of the direction issued by the District Administration.



9.Mr.Angappan, learned Government Advocate submitted that since some of the staff at Bodinayakannoor E-auction Centre tested positive, they had to cancel the auction.

10.The learned counsel for the petitioner drew my attention to the circular issued by the Government of India on 04.06.2020. Clause 6 of the said circular reads as follows:

'6.Closure of workplace

I. If there are one or two cases reported, the disinfection procedure will be limited to places/areas visited by the patient in past 48 hrs. There is no need to close the entire office building/halt work in other areas of the office and work can be resumed after disinfection as per laid down protocol.

ii. However, if there is a larger outbreak, the building/block will have to be closed for 48 hours after thorough disinfection. All the staff will work from home, till the building/block is adequately disinfected and is declared fit for re-occupation.'

11.He would further state that the Government of Tamil Nadu had adopted the said circular. It is not known as to whether the same is still holding good. But whatever that be, the District Administration as well as the Bodinayakkanoor Municipality will have to make appropriate arrangements for holding the E-auction by the Spices Board. Ofcourse, the Spices Board as well as the traders and growers will have to strictly adhere to all the safety norms and health protocols that may be issued by the District Administration as well as local body. But then, citing the pandemic situation, the Spices Board cannot skip Bodinayakkanoor altogether.

12.I find considerable force in the apprehension expressed by the petitioner's counsel. The petitioner's counsel would state that if the E-auction is held only at Puttady to the exclusion of the Bodinayakkanoor, the interest of the growers of the Bodinayakanoor will be seriously affected. Therefore, even while sustaining the stand of the Spices Board that E-auction cannot be conducted at Bodinayakanoor alone, I direct them to ensure that E-auction is conducted in both the places namely, Puttady and Bodinayakanoor. It is for the District Administration to make appropriate arrangement to facilitate the Spices Board to hold E-auction at Bodinayakkanoor also .



13. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

rmk

Note : Issue order copy on 24.07.2020

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The District Collector,
Theni, Theni District.
2. The District Collector,
Idukki District, Kerala.

W.P (MD) .No. 7089 of 2020
21.07.2020

AL (CO)
TR (24.07.2020) 4P 3C