



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Twenty Ninth day of June Two Thousand and Twenty

PRESENT

The Hon'ble Mr.Justice C.SARAVANAN

WMP(MD) No.6527 of 2020
IN
WP(MD) No.7089 of 2020

IDUKKI DISTRICT TRADITIONAL CARDAMON
PRODUCER CO.LTD.,
REP. BY ITS MANAGING DIRECTOR

... PETITIONER

Vs

THE SPICES BOARD
(MINISTRY OF COMMERCE AND INDUSTRY GOVT. OF INDIA)
REP. BY ITS SECRETARY,
SUGANTHA BHAVAN,
N.H. BY - PASS, POST BOX NO.2277,
PALARIVATTOM POST, COCHIN-682 025.

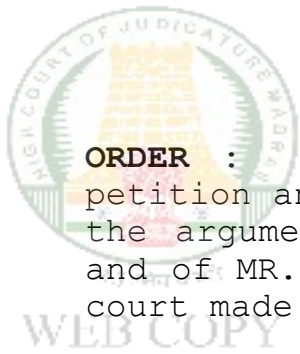
... RESPONDENT

Prayer in WMP(MD) . 6527/ 2020 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant interim direction to direct the respondent to allot E-auction slot/schedule for the forthcoming month of July 2020 for our company at spices board E-auction centre, Bodinayakanoor at Theni District, Tamil Nadu alone in view of covid-19 situation and thus render justice.

Prayer in WP(MD) . 7089/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of certiorarified Mandamus to call for the records on the file of respondent vide proceedings 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 compnay dated 19.06.2020.



ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of N/S.RAJA.KARTHIKEYAN, Advocate for the petitioner and of MR.K.GOVINDARAJAN, Advocate on behalf of the Respondent, the court made the following order:-

The petitioner has challenged the impugned notification dated 22.06.2020 of the respondent Spice Board. By the impugned communication, the respondent has informed the petitioner that as per the Rule 10(g) Cardamom (Licensing & Marketing) Amendment Rules 2014, the auctioneer shall conduct the auction at a place and on a day and time specified by the Board.

2. The learned counsel appearing for the petitioner submits that due to the threat of COVID 19 infection and COVID 19 pandemic, the petitioner is unable to take its farmers along with them for the E-auctions. It is further submitted that earlier, the respondent Board had accepted the request of the petitioner and had allowed the petitioner to auction the Cardamom grown by the farmers at Bodi itself on 03.06.2020 and 17.06.2020. However, for the month of July, though the petitioner sent representation, the respondent has issued the impugned communication.

3. It is further submitted that the E-passes applied by farmers of the petitioner have been rejected by the District Administration. Number of copies of rejections of the request for issuance of E-passes by their farmers have been produced.

4. The learned counsel appearing for the respondent submits that for the auctions, dates have been fixed. There are about 13 auctioneers, 3 of them from Tamil Nadu and 10 from the State of Kerala. As far as the petitioner is concerned, the petitioner has been allotted 2nd July 2020 as the date for conducting of E-auctions at Puttady and for 17.07.2020 at Bodi. It is submitted that the petitioners' farmers, who are the growers of Cardamom normally visit the auction sites to market the product and in view of the COVID 19 situation, they are unable to go to Kerala.

5. The learned counsel appearing for the respondent submits that the E-auction that has been fixed by virtue of communication dated 26.06.2020 cannot be now disturbed on this 11th hour particularly in the light of the fact that all the preparations are ready for the E-auctions to be conducted from 02.07.2020. He further submits that no prejudice would be caused to the respondent, if the E-auction are conducted as has been decided and the petitioner can participate in the E-auction. He submits that the District Collector may be directed to issue appropriate E-passes to the farmers of the petitioner to participate in the E-auction at Puttady.



6. The learned counsel for the petitioner submits that about 50 farmers have to travel to Puttady during the E-auction.

7. The learned counsel appearing for the respondent Board also undertakes to facilitate the issue of E-passes from Tamil Nadu and Kerala Governments by suitably writing to the respective Governments.

8. I have considered the arguments of the learned counsel for the petitioner and the respondent.

9. The proposed E-auction for the month of July 2020 cannot be interfered at this last moment. The petitioner may therefore participate in the dates fixed for it to conduct E-auction.

10. Since the auction will continue even during the succeeding months, i.e. August 2018 also, the petitioner is at liberty to request the respondent to consider its representation favourably for auctions to be held at Bodi as was done in the month of June, if COVID 19 pandemic continues. The respondent shall consider such request and pass appropriate order by 15th July 2020.

11. The learned counsel appearing for the petitioner may furnish a copy of the list of 40 farmers, who are likely to visit Puttady on 02.07.2020 for e-auction along with the details of their vehicle particulars to the respondent. The petitioner and the farmers shall take immediate steps for obtaining E-passes and furnish the details to the respondent Spice Board. The respondent Spice Board shall take steps to ensure that the petitioners' farmers are issued with E-passes by co-ordinating with the District Collector of Theni, Tamil Nadu and the District Collector of Iddukki, Kerala.

12. In view of the above, W.M.P. (MD) No.6527 of 2020 is closed.

sd/-
29/06/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE DISTRICT COLLECTOR,
THENI,
TAMIL NADU.

2. THE DISTRICT COLLECTOR,
IDDUKKI,
KERALA.

ORDER

IN

WMP (MD) No.6527 of 2020 IN

WP (MD) No.7089 of 2020

Date :29/06/2020

ARUL

SRS/ VR/ SAR-II/ 30.06.2020/ 4P/3C