



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2020

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.8115 of 2020

WEB COPY

Rajasekaran

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Superintendent of Police,
Dindigul District,
Dindigul.

3.The Municipality Commissioner,
Oddanchatram Municipality,
Oddanchatram,
Dindigul District.

4.The Deputy Superintendent of Police,
Oddanchatram Division,
Oddanchatram,
Dindigul District.

5.The Tahsildar,
Oddanchatram Taluk,
Oddanchatram,
Dindigul District.

6.The Secretary,
Department of Agricultural Marketing,
Dindigul Marketing Committee,
Dindigul District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to take appropriate action against those persons luring traders and vendors of agricultural product regulated market of Naganampatti and trying to shift them to private market perceived to be in Thangachiyammalpatti and to ensure that agricultural product regulated market is continuously functioning at Naganampatti, Oddanchatram Taluk, Dindigul District, on the basis of the petitioner's representation, dated 19.06.2020.

For Petitioner

: Mr.T.Indrachithu



For Respondents

: Mr.Aayiram K.Selvakumar
Additional Government Pleader
for R.1, R.2, R.4 & R.5

Mr.P.Srinivas
Standing Counsel for R.3

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ORDER

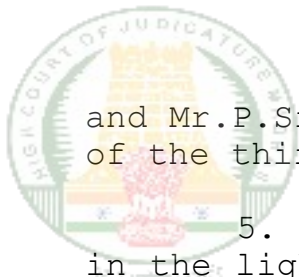
(Order of the Court was made by M.SATHYANARAYANAN, J.)

The petitioner claims to be a permanent resident of Karisal Thottam, Ambiligai Post, Oddanchatram Taluk, Dindigul District and according to him, the newly constructed Agricultural Product Regulated Market came into being near Bye-pass Road, Naganampatti, Oddanchatram Taluk, Dindigul District, for the benefit of farmers and vegetable vendors and though the construction was over and was also fully functional right from 2008, the vegetable market did not start functioning and one C.Sivanesan has filed W.P(MD)No.21896 of 2019 against some of the official respondents herein praying for issuance of a writ of Mandamus to direct the respondents therein to open the newly constructed Agricultural Product Super Market, Near Bye-pass Road, Naganampatti, Oddanchatram Taluk, Dindigul District and vide order dated 17.10.2019, a Division Bench of this Court, by taking into consideration the materials placed by the learned Government Advocate, directed the fifth respondent therein, namely, the Secretary, Department of Agricultural Marketing, Dindigul Marketing Committee, Dindigul District, to open the said market on 03.11.2019 and further observed that if there is any unlawful interference for discharging the duties of the Market Committee, it is open to the Secretary to lodge a police complaint against all those persons, who object to the opening of the Market and if the complaint is made, the police authorities were also directed to take appropriate legal action and further observed that the fifth respondent therein shall take effective steps to maintain the Market in excellent and hygienic condition, so that, better state of facilities can be given to the traders and market members of Ottanchathiram Market as an example to other regulated markets in the State of Tamil Nadu.

2. Now, the petitioner has expressed his grievance that though the newly constructed Agricultural Product Regulated Market started functioning, some of the private persons luring the vegetable vendors to shift them to a private market for their own benefit and also extract money in this regard.

3. The learned Counsel for the petitioner has also drawn the attention of this Court to the representation of the petitioner, dated 19.06.2020 and despite receipt and acknowledgment, no action has been taken and hence, came forward to file this writ petition.

4. Mr.Aayiram K.Selvakumar, learned Additional Government Pleader accepted notice on behalf of the respondents 1, 2, 4 and 5



and Mr.P.Srinivas, learned Standing Counsel accepts notice on behalf of the third respondent.

5. Though the petitioner prays for larger relief, this Court, in the light of the facts and circumstances of the case and without going into the merits of the claim projected by the petitioner either in the representation, dated 19.06.2020 or in this writ petition, directs the respondents 1 and 6 to consider and dispose of the petitioner's representation, dated 19.06.2020 on merits and in accordance with law, after putting on notice the persons concerned and pass appropriate orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as the persons concerned.

6. In the result, this Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RSB

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,
Dindigul District,
Dindigul.
- 2.The Superintendent of Police,
Dindigul District,
Dindigul.
- 3.The Municipality Commissioner,
Oddanchatram Municipality,
Oddanchatram,
Dindigul District.
- 4.The Deputy Superintendent of Police,
Oddanchatram Division,
Oddanchatram,
Dindigul District.



5.The Tahsildar,
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Oddanchatram,
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KK(05.08.2020) 4P 7C