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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.16475 of 2021

K.R.C.Thangamuthu

...Petitioner

Vs.

1. The Principal Secretary to Government Cum
Agricultural Production
Commissioner Agriculture and Farmers Welfare
Department Secretariat Fort St. George,
Chennai 600 009
2. The Commissioner of Agricultural Marketing
and Agri Business,
Thiru Vi Ka Industrial Estate, CIPET Main Road II,
Guindy, Chennai 600 032
3. The Deputy Director of Agriculture (Agri Business),
District Collectorate, Dharmapuri, Dharmapuri 636 705
4. Dharmapuri Market committee,
Represented by its special officer,
Tirupattur Krishnagiri Link Road,
Dharmapuri 636 705

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to Call for all the records relating to impugned order passed by the 1st respondent herein in G.O.(Ms) No. 105 dated 23.07.2021 and quash the same as illegal null and void direct the respondents to not interfere with the functioning of the petitioner as the Chairman of the 4th Respondent Market Committee for the term of his appointment.

For Petitioner : Mr.M.Sricharan Rangarajan
for Mr.K.Gowtham Kumar

For Respondents : Mr.R.Shunmuga Sundaram
Advocate General Assisted by
Mr.A.Selvendiran
Government Advocate



ORDER

The subject matter of challenge in this present writ petition is the impugned G.O.Ms.No.105 dated 23.07.2021.

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2. Heard the learned counsel for the petitioner and Mr.R.Shunmuga Sundaram, learned Advocate General, appearing on behalf of the respondents.

3. On an earlier occasion, the Member of the Marketing Committee had approached this Court challenging the very same Government Order in WP No.16108 of 2021 and this Court after considering the entire scheme of the Act in detail had upheld the GO and dismissed the writ petition by an order dated 03.08.2021.

4. The learned counsel appearing on behalf of the petitioner impressed upon this Court to read certain provisions jointly in order to appreciate the purport of the Act and submitted that the Act does not contemplate a situation where the members can be en-block/ removed from the Market committee. The learned counsel further submitted that the petitioner in the present writ petition was the Chairman of the Market Committee and he became the office bearer by virtue of an election. Therefore, the petitioner stands on a different footing and the earlier order passed by this Court may not strictly apply to the case of the petitioner.

5. In the considered view of this Court, this Court had taken into consideration the entire scheme of the Act and had passed the order in the earlier writ petition. Therefore, this Court does not deem it fit to once again review the earlier stand and the reasoning that was given while dismissing the earlier writ petition will equally apply to the case of the petitioner also.

6. Insofar as the submission made with regard to the status of the petitioner as the Chairman of the Market Committee, this Court is of the considered view that the said position does not really make any difference. The Chairman or the Vice Chairman of the Market committee is selected from one of the members, who are nominated under Section 10 of the Act. Therefore, it cannot be construed to be stricto sensu an election and the moment the person ceases to be a member, he automatically loses the position of a chairman also. Therefore, merely because, the petitioner was elected as the Chairman from among the members, who were nominated, he does not stand on a different footing and the same reasoning that was given by this Court in the earlier order passed in WP No.16108 of 2021, will equally apply to the petitioner also.



7. In the result, this Court does not find any ground to entertain in this writ petition, since the issue is covered by the earlier order passed by this Court and accordingly, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government Cum
Agricultural Production
Commissioner Agriculture and Farmers Welfare
Department Secretariat Fort St. George,
Chennai 600 009
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and Agri Business,
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4. The special officer,
Dharmapuri Market committee,
Tirupattur Krishnagiri Link Road,
Dharmapuri 636 705

+1 cc to the Government Pleader, Advocate Sr.No.39426

W.P No.16475 of 2021

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NSK 20/09/2021