

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.3451 of 2020

and

W.M.P.No.4026 of 2020

1. A.Rani
2. J.Chandran
3. B.Sivakumar
4. P.M.Bella
5. P.Mani
6. D.Magaraaj
7. A.Sumithra
8. B.sivanandam
9. B.Jayaprakash
10. P.N.Chandran
11. S.Raju
12. B.Sivan
13. S.Joghe
14. B.Raju

..Petitioners

-Vs-

1. The Administrative Officer/  
Agriculture Officer,  
R.S.Puram Uzhavar Sandhai,  
R.S.Puram,  
Coimbatore.
2. The Deputy Director,  
Agriculture Department,  
Marketing Committee Compound,  
Ramanathapuram,  
Coimbatore.
3. The District Collector,  
Coimbatore District,  
Coimbatore.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records connected with the impugned Circular Order passed by the 1<sup>st</sup> respondent dated 03.02.2020 and quash the same and allow the petitioners to sell hills vegetables at the Uzhavar Santhai, R.S.Puram, Coimbatore.

For Petitioner : Mr.S.Mukund  
for V.Sivakumar

For Respondent : Mr.T.Seenivasan,  
Special Government Pleader

## O R D E R

This writ petition has been filed challenging the impugned circular dated 03.02.2020 passed by the 1<sup>st</sup> respondent restraining the petitioner's from supplying fruits and vegetables from Ooty to the Farmers Market at R.S.Puram in Coimbatore, on the ground that they do not have proper identity cards and they have violated the terms and conditions of the Government Order dated 12.11.1999.

2. The petitioner has challenged the impugned order on the following grounds.

(a) All the petitioners are having proper identity cards to supply the fruits/vegetables at R.S.Puram Market.

(b) They have been supplying fruits and vegetables in R.S.Puram Market for several years.

(c) Only on account of the non-payment of bribe to one Kannan, who was earlier, the Administrative Officer/Agricultural Officer at R.S.Puram Market, the impugned order has been passed restraining the petitioners from supplying fruits/ vegetables from Ooty to the Farmers Market at R.S.Puram, Coimbatore.

3. The petitioners have been put to irreparable loss on account of the issuance of the impugned circular restraining them from supplying fruits/vegetables to R.S.Puram Market. According to the petitioners, only to wreck vengeance against them, the impugned order has been passed. G.O.Ms.No.488, Agriculture Department dated 12.11.1999 relied upon under the impugned circular only prescribes that Farmers Market must be situated in every 40 kms radius and therefore, the reasons given for restraining the petitioners from supplying fruits/ vegetables under the impugned circular, is arbitrary and incorrect. The impugned circular has not been served on the petitioners and the copy of the said circular was only affixed in certain places. No opportunity of hearing was granted to the petitioners before issuing the impugned circular.

4. A counter affidavit has been filed by the 1<sup>st</sup> respondent and on behalf of the other respondents also. In the counter affidavit, the respondents have stated as follows:

(a) The petitioners have not given their land holding details in Ooty in the affidavit filed in support of the writ petition.

(b) The Identity Cards produced by the petitioners are old in nature and fresh Identity Cards have now been issued.

(c) The impugned order has been passed only to weed out bogus farmers.

(d) The farmers around 40 kms radius shall be allowed to sell their agricultural and horticultural produce in Ulavar Santhais. Therefore, the petitioners who are in Ooty cannot claim right to supply fruits and vegetables to Farmers Market at R.S.Puram, Coimbatore. The respondents have rightly issued the circular in accordance with G.O.Ms.No.488. Agriculture Department dated 12.11.1999.

(e) The Commissioner of Agricultural Marketing in D.O.Lr.No.34384/2000 dated 01.06.2000 deals especially with regard to selling procedure of fruits and vegetables from hilly regions which emphasize that agriculture produce from hilly region can be sold through Co-operative Societies through the Self Help Group (SHG) or Tamil Nadu Women in Agriculture (TANWA) or such other groups formed by the Government by way of Government Orders. Therefore, the farmers from hilly regions can either sell their agriculture and agricultural products in Ulavar Santhai set up in their regions or through the Co-operative Societies, SHG and TANWA.

(f) As per D.O.Lr.No.US34384/99 dated 13.07.2000 issued by the Commissioner, Agricultural Marketing, a farmer should bring the produce only from their own fields and they are not allowed to bring the same from other farmers land or from the market. Since the petitioners are holding old identity cards which are expired and some of them are holding multiple identity cards will clearly show that they have manipulated records and they are bogus farmers and are acting only as intermediaries for the farmers in Ooty and they are not direct farmers.

5. Heard Mr. S.Mukunth, learned counsel appeared for the petitioners and Mr.T.Seenivasan, learned Special Government Pleader appeared for the respondents.

6. Admittedly, no opportunity of hearing has been granted to the petitioners before passing the impugned circular preventing them from supplying fruits/vegetables to the R.S.Puram Market in Coimbatore. The petitioners claim that they are having valid identity cards and they have been supplying to R.S.Puram Market for several years. They have also filed the

copies of the identity cards along with the writ petition. However, the same is disputed by the respondents as seen from their counter affidavit. It is also contended by the petitioners that G.O.No.488 Agriculture Department dated 12.11.1999 is not applicable to them as according to them, the said G.O. only stipulates that farmers market will have to be situated in every 40 kms radius. However, the same is disputed by the respondents stating that the said Government Order is applicable only to the suppliers within 40 kms radius to R.S.Puram Market in Coimbatore. According to the respondents, the petitioners are bogus farmers and the identity cards standing in their name are very old and presently fresh identity cards have been issued. It is also contended by the respondents that the petitioners are only intermediaries and are not direct farmers. It is also the case of the respondents that periodical inspection was done and only thereafter, the respondents have come to the conclusion that the petitioners are bogus farmers.

7. However, this Court is of the considered view that when a categorical stand has been taken by the respondents that the petitioners have been supplying fruits/vegetables to the R.S.Puram Market from Ooty and they are not direct farmers, the respondents ought to have granted them an opportunity of hearing which they have not done so, as seen from the impugned order. The petitioners have also produced their identity cards and other documents before this Court. The same will have to be examined by the respondents and only thereafter, the respondents can finally decide as to whether the petitioners are bogus farmers or not.

8. Since no opportunity of hearing was granted to the petitioners under the impugned proceedings before passing of the impugned order in respect of the contentions raised by them in this writ petition, the impugned order dated 03.02.2020 passed by the respondents has to be quashed and the matter has to be remitted back to the respondents for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner, including permitting them to produce all necessary documents/ records to substantiate their case that they are genuine farmers supplying fruits/vegetables from Ooty to R.S.Puram Market at Coimbatore. No prejudice would be caused to the respondents if such a direction is given by this Court.

9. For the forgoing reasons, the impugned order dated 03.02.2020 passed by the 1st respondent is hereby quashed and the matter is remitted back to the 1st respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioners. The 1<sup>st</sup> respondent is directed to pass final orders within a period of eight weeks from the date of receipt of a copy of this order.

10. With the aforesaid direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Administrative Officer/  
Agriculture Officer,  
R.S.Puram Uzhavar Sandhai,  
R.S.Puram,  
Coimbatore.
2. The Deputy Director,  
Agriculture Department,  
Marketing Committee Compound,  
Ramanathapuram,  
Coimbatore.
3. The District Collector,  
Coimbatore District,  
Coimbatore.

+1cc to Mr.V.Sivakumar, Advocate, S.R.No.39235

+1cc to the Government Pleader, S.R.No.39298

W.P.No.3451 of 2020  
and  
W.M.P.No.4026 of 2020

SVI (CO)  
UMA(13/07/2022)