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W.P.Nos.5789, 5807 of
& 37121 to 37124 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.5789, 5807 of 2004 & 37121 to 37124 of 2006

and

W.V.M.P.No.1232 of 2004, M.P.Nos.6778 & 6788 of 2004,
3 & 3 of 2006

W.P.No.5789 of 2004:

The Virudhunagar Coriander
Seeds Merchant's Association,
Represented by its Secretary,
Virudhunagar.

... Petitioner

Vs.

1.State of Tamil Nadu,
rep. by its Secretary to Government,
Agricultural Department,
Fort St. George,
Chennai – 600 009.

2.The Commissioner of Agricultural Marketing,
Guindy,
Chennai – 600 032.

3.The Secretary,
Ramanathapuram Market Committee,
at Virudhunagar.

... Respondents



W.P.Nos.5789, 5807 of
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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from levying and collecting fee in respect of Coriander under the provisions of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 and the Rules made there under or in the case of Bye-laws in the Ramanathapuram and surrounding notified areas including to launch prosecution or any penal drastic action.

For Petitioners	: Mr.G.Sankaran Senior Counsel For Mr.S.Nedunchezliyan (in all WPs)
For R1 & R2	: Mr.P.Sanjay Gandhi Government Advocate (in all WPs)
For R3	: Mr.P.Navaneetha Krishnan (in all WPs)

COMMON ORDER

The writ on hand has been instituted seeking the relief to forbear the respondents from levying and collecting fee in respect of Coriander under the provisions of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 and the Rules made there under or in the case of Bye-laws in the Ramanathapuram and surrounding notified areas including to launch prosecution or any penal drastic action.



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2. The petitioner is the Virudhunagar Coriander Seeds Merchant's Association.

3. The learned Senior Counsel appearing on behalf of the writ petitioners mainly contended that the Government issued G.O.Ms.No.1635 Agriculture (AM-II) Department dated 27.09.1977, declaring coriander as notified agricultural produce for Ramanathapuram composite District. Thereafter, the Government issued G.O.Ms.No.877, Agriculture (AM-II) Department dated 26.04.1984 rescinding the notification dated 27.09.1997 in respect of coconut and coriander under Section 4(1) of the Tamil Nadu Agriculture Produce Marketing Act.

4. The learned Senior counsel appearing on behalf of the petitioners reiterated that the said Government order was cancelled in G.O.Ms.No.312 and the G.O.Ms.No.359, dated 10.05.1991 and 30.06.1995 respectively. The contentions of the petitioners are that they are not liable to pay marketing fee as levy.



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5. The learned Senior Counsel for the petitioners mainly contended that de-notifying the produce namely coriander and thereafter restoring the same would cause prejudice to the interest of the petitioner / Association.

6. It is contended that the respondents cannot levy and collect the fee in respect of the coriander under the provisions of the Act in view of the notifications issued and cancelled subsequently. Ultimately, the petitioner states that the levy and collection of fee in respect of coriander is untenable.

7. The learned counsel appearing on behalf of the respondents brought to the notice of this Court that several developments occurred during the pendency of the writ petition. The Government issued various orders in the year 1995 and thereafter, a notification was issued on 27.05.2014 in G.O.Ms.No.64, Agriculture (AM-II) Department. As per the revised notification, the members of the petitioner Association are liable to pay the marketing fee as per the Government notification.

8. The learned senior counsel brought to the notice of this Court that even in the year 2022, the Government issued order in G.O.Ms.No.84,



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Agricultural and Farmers Welfare Department, dated 23.04.2022. Pursuant to the government order, a Committee was constituted and if at all the petitioners are aggrieved, they have to submit their objections before the Committee constituted by virtue of G.O.Ms.No.84, Agricultural and Farmers Welfare Department, dated 23.04.2022. Regarding payment of marketing fee, the learned counsel for the respondents brought to the notice of this Court that the issue was considered by this Court in ***W.P.Nos.13147 and 13148 of 2013*** and the judgment was delivered on 06.09.2018 reported in ***[CDJ 2018 MIIC 5084]***. The provisions of the Act and Rules were considered by this Court and it is held that the petitioners therein are liable to pay marketing fee as per the rules in force.

9. Writ Appeals in ***W.A.Nos.1427 and 1429 of 2019*** was filed and the Hon'ble Division Bench of this Court confirmed the said judgment on 24.04.2019 reported in ***[CDJ 2019 MHC 1971]***. Therefore, the petitioners are liable to pay the marketing fee.



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10. May that as it be, if at all any grievances exist for the petitioners they are at liberty to file their objections before the Committee constituted by the Government. However, the relief as such sought for cannot be granted.

11. If any due arises on account of the interim order granted by this Court or otherwise, the respondents are bound to recover the same in the manner known to law. Accordingly, these Writ Petitions stand dismissed. No costs. Connected Miscellaneous Petitions are closed.

12. In view of the dismissal of the writ petition, there is no impediment for the respondents to recover the arrears if any to be collected in accordance with the Act and Rules.

06.04.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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To

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S.M.SUBRAMANIAM, J.

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