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W.P.Nos.17931 & 44105 of 2016; 16876,
19081 & 24148 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition Nos.17931 & 44105 of 2016;
16876, 19081 & 24148 of 2017
and
W.M.P.Nos.15626 & 37913 of 2016;
1498, 18344, 20605 & 25490 of 2017

W.P.No.17931 of 2016
and
W.M.P.No.15626 of 2016

A.K.Subramaniam

...Petitioner

-Vs-

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Agriculture Department, Secretariat,
Fort St.George Chennai-600 009
2. The Commissioner of
Agricultural Marketing & Agri Business,
Thiru.Vi.Ka.Industrial Estate, Guindy,
Chennai-600 032.
3. The Secretary,
Villupuram Market Committee,
Nethaji Road, Villupuram-605 602,
Villupuram District



W.P.Nos.17931 & 44105 of 2016; 16876,
19081 & 24148 of 2017

4. The Superintendent,
Regulated Market, Kallakurichi,
Villupuram District.

5. The Superintendent,
Regulated Market, Vikiravandi,
Villupuram District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration, to declare the demand and forcible collection of market fee in respect of agricultural produce Paddy for the transactions of purchase and sales by the petitioner where there is no notification under Section 6(2) of the Act 1987 as illegal, arbitrary, ultra vires and without jurisdiction and consequently directing the respondents to re-fund the amount of Rs.1260/- forcibly collected by the 5th respondent towards market fee to the petitioner immediately and to forbear the respondents from resorting to demand and collect market fee for sale and transactions of Paddy in the absence of declaration of notified market area under Section 6(2) of the Act, 1987.

For Petitioner : Mr.G.Sankaran, Senior Counsel for
Mr.S.Nedunchezhiyan & A.Yogeswari

For Respondents :
(for R-1, 2, 4 & 5) : Mr.J.Ravindran, AAG, assisted by
Mr.P.Sanjay Gandhi, Govt.Advocate
(for R-3) : Mr.V.Jayaprakash Narayanan



W.P.Nos.17931 & 44105 of 2016; 16876,
19081 & 24148 of 2017

W.P.No.44105 of 2016

and

W.M.P.Nos.37913 of 2016 & 1498 of 2017

Cauveripadukai Velan Vilai Porul Viyabarigal Sangam,
Thiruvarur, Rep. by Secretary G.Ukthinathan,
S/o.P.Ganapathy,
No.9, Sivaprakasa Mada Theru,
Madapuram, Thiruvarur- 610 001.

...Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Agriculture Department, Secretariat,
Fort St.George Chennai-600 009.
2. The Principal Secretary/Commissioner of
Agricultural Marketing & Agri Business,
Thiru.Vi.Ka.Industrial Estate, Guindy,
Chennai-600 032.
3. The Secretary,
Thanjavur Market Committee,
Thanjavur.
4. The Secretary,
Thiruvarur Market Committee,
Thiruvarur.
5. The Secretary,
Nagappattinam Market Committee,
Nagappattinam.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying for the issuance of a Writ of Declaration, to declare the demand
and forcible collection of market fee in respect of purchase and sales of



W.P.Nos.17931 & 44105 of 2016; 16876,
19081 & 24148 of 2017

Paddy, Grams and other agricultural produces, for the transactions of purchase and sales by the members of the Petitioner Sangam where there in no Notification under Section 6(2) of the Tamil Nadu Act 27 of 1987 as illegal, arbitrary, ultra vires and without jurisdiction and consequently forbear the Respondents from resorting to any demand and forcible collection of market fee for sale and transaction of Paddy, Grams and other agricultural produces in the absence of declaration of notified market area under Section 6(2) of the Tamil Nadu Act 27 of 1987.

For Petitioner : Mr.G.Sankaran, Senior Counsel for
Mr.S.Nedunchezhiyan

For Respondents :
(for R-1 & 2) : Mr.J.Ravindran, AAG, assisted by
Mr.P.Sanjay Gandhi, Govt.Advocate
(for R-3 to 5) : Mr.V.Jayaprakash Narayanan

W.P.No.16876 of 2017
and
W.M.P.No.18344 of 2017

G.Ramachandran

...Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Agriculture Department,
Fort St.George Chennai-600 009.
2. The Principal Secretary/Commissioner of
Agricultural Marketing & Agri Business,
Thiru.Vi.Ka.Industrial Estate, Guindy, Chennai-600 032.



W.P.Nos.17931 & 44105 of 2016; 16876,
19081 & 24148 of 2017

WEB COPY

3. The Secretary,
Thanjavur Market Committee,
Thanjavur.

4. The Secretary,
Thiruvavarur Market Committee,
Thiruvavarur.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration, to declare the demand and forcible collection of market fee in respect of purchase and sales of Paddy, Grams and other agricultural produces, for the transactions of purchase and sales by the members of the Petitioner herein where there in no notification under Section 6(2) of the Tamil Nadu Act 27 of 1987 as illegal, arbitrary, ultra vires and without jurisdiction and consequently forbear the Respondents from resorting to any demand and forcible collection of market fee for sale and transaction of Paddy, Grams and other agricultural produces in the absence of declaration of notified market area under Section 6(2) of the Tamil Nadu Act 27 of 1987.

For Petitioner : Mr.Govardhanan for
Mr.B.Ramamorthy

For Respondents :
(for R-1 & 2) : Mr.J.Ravindran, AAG, assisted by
Mr.P.Sanjay Gandhi, Govt.Advocate
(for R-3 to 4) : Mr.V.Jayaprakash Narayanan



W.P.Nos.17931 & 44105 of 2016; 16876,
19081 & 24148 of 2017

W.P.No.19081 of 2017

and

W.M.P.No.20605 of 2017

M.Balraj

...Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Agriculture Department,
Fort St.George Chennai-600 009.
2. The Principal Secretary/Commissioner of
Agricultural Marketing & Agri Business,
Thiru.Vi.Ka.Industrial Estate, Guindy,
Chennai-600 032.
3. The Secretary,
Thanjavur Market Committee,
Thanjavur.
4. The Secretary,
Thiruvavarur Market Committee,
Thiruvavarur.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration, to declare the demand and forcible collection of market fee in respect of purchase and sales of Paddy, Grams and other agricultural produces, for the transactions of purchase and sales by the members of the Petitioner herein where there in no notification under Section 6(2) of the Tamil Nadu Act 27 of 1987 as illegal, arbitrary, ultra vires and without jurisdiction and consequently forbear the Respondents from resorting to any demand and forcible



W.P.Nos.17931 & 44105 of 2016; 16876,
19081 & 24148 of 2017

collection of market fee for sale and transaction of Paddy, Grams and other agricultural produces in the absence of declaration of notified market area under Section 6(2) of the Tamil Nadu Act 27 of 1987.

For Petitioner : Mr.Govardhanan for
Mr.B.Ramamorthy

For Respondents :
(for R-1 & 2) : Mr.J.Ravindran, AAG, assisted by
Mr.P.Sanjay Gandhi, Govt.Advocate
(for R-3 to 4) : Mr.V.Jayaprakash Narayanan

W.P.No.24148 of 2017
and
W.M.P.No.25490 of 2017

M/s.Lokesh Traders,
Rep. by its Proprietor,
A.Chandrasekaran,
Having Office at Keela Venmalai,
Thevur PO., Kilvelur Taluk,
Nagapattinam-611 109

...Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Agriculture Department,
Fort St.George Chennai-600 009.
2. The Principal Secretary/Commissioner of
Agricultural Marketing & Agri Business,
Thiru.Vi.Ka.Industrial Estate, Guindy,
Chennai-600 032.



W.P.Nos.17931 & 44105 of 2016; 16876,
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WEB COPY

3. The Secretary,
Nagapattinam Market Committee,
Nagapattinam.

4. The Superintendent,
Regulated Market, Nagapattinam
Nagapattinam District.

5. The Secretary,
Thiruvavarur Market Committee,
Thiruvavarur.

6. The Secretary,
Thanjavur Market Committee, Thanjavur.

7. The Secretary,
Villupuram Market Committee,
Villupuram.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration, to declare the demand and forcible collection of market fee in respect of agricultural produce paddy and grains for the transactions of purchase and sales by the petitioner in Nagapattinam, Thanjavur, Thiruvavarur and Villupuram Districts, where there is no notification under Section 6(2) of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 as illegal, arbitrary, ultra vires and without jurisdiction and consequently to forebear the Respondents from restoring to any demand and forcible collection of market fee for sale and transactions of paddy, grams and other agricultural produces in absence of declaration of notified market area under Section 6(2) of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987.



W.P.Nos.17931 & 44105 of 2016; 16876,
19081 & 24148 of 2017

For Petitioner : M.R.Kuyilan

For Respondents :

(for R-1 & 2) : Mr.J.Ravindran, AAG, assisted by
Mr.P.Sanjay Gandhi, Govt.Advocate
(for R-5 to 7) : Mr.V.Jayaprakash Narayanan

COMMON ORDER

The learned counsel for the petitioner states that during the pendency of these writ petitions, an amendment was issued to the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987. In view of the amendment effected, the cause in the present writ petitions became vanished, and therefore, no further adjudication needs to be undertaken.

2.The learned counsel appearing on behalf of the Agricultural Marketing Committee brought to the notice of this Court that the issues were already considered and following (4) judgments are passed in this regard by this Court as a detailed order in the cases of

(i) ***V.Murali Vs. State of Tamil Nadu CDJ 2019 MHC 3845,***

(ii) ***Kachirapalayam Paddy & Rice Merchants Vs. The State of Tamil Nadu and others in W.P.No.1028 of 2019 dated 06.05.2021,***

(iii) ***Polyhedron Vs.The State of Tamil Nadu and others in***



W.P.Nos.17931 & 44105 of 2016; 16876,
19081 & 24148 of 2017

W.P.No.17519 of 2014 dated 31.01.2023, and

***(iv) Thiruvarur Agricultural Marketing Committee and Krishna
Traders Vs. State of Tamil Nadu, (2015) 7Mad LJ 187.***

3.In view of the judgments cited supra and considering the fact that the amendment was also effected to the act, no further adjudication is required. Hence all these writ petitions are dismissed as infructuous. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

30.03.2023

Index:Yes
Speaking order
Neutral Citation:Yes
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To

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2. The Commissioner of
Agricultural Marketing & Agri Business,
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Chennai-600 032.



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Thiruvarur Market Committee,
Thiruvarur.
8. The Secretary,
Nagappattinam Market Committee,
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9. The Superintendent,
Regulated Market, Nagapattinam
Nagapattinam District.
10. The Secretary,
Villupuram Market Committee,
Villupuram.



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S.M.SUBRAMANIAM, J.

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30.03.2023