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W.P.No.28734 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28734 of 2014

and

M.P.Nos.1 & 2 of 2014

Nilgiri Nelikolu Micro & Small Tea Growers
and Farmers Development Society, (Reg.No.101/2013)
No.41, Lakshmi Devi Building,
Rose Garden Road,
Udhagamandalam,
The Nilgiris,
Rep.by its President

...Petitioner

Vs.

1.Union of India,
Rep.by its Secretary to Government,
Ministry of Commerce,
Central Secretariat,
New Delhi.

2.State of Tamil Nadu,
Rep.by its Secretary,
Micro, Small & Medium Enterprises
(A Department), Fort St.George,
Chennai – 9.

3.The Tea Board of India,
No.14, BTM Sarani,
Kolkatta,



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West Bengal – 700 001.
Rep.by its Chairman.

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4.The District Collector, Nilgiris District/
Chairman, District Price Monitory Committee,
Udhagamandalam,
The Nilagiris.

5.The Regional Executive Director,
Tea Board of India,
Southern Region, Club Road,
Coonoor, The Nilgiris – 643 101.

6.The Nilgiri Bought Leaf Tea Manufacturers' Association,
No.9, Mount Road,
Coonoor, The Nilgiris 642 102
Rep.by its Secretary.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to reconsider the existing Price Sharing Formula between the Small Tea Growers and the Bought Leaf Factories at the ratio of 65 :35 with a specific reference to the categorical findings of the ICWAI report dated 05.05.2008 and the IIPM report dated 01.04.2013 that the BLFs are continuously making profit and the actual rate realized by them are not available for sharing with the STGs.



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For Petitioner : Mr.R.Sivakumar
For R1 : Mr.A.Kumaraguru
Senior Central Government
Standing Counsel (SCGSC)

For R2 & R4 : Mr.P.Sanjay Gandhi
Government Advocate

For R3 & R5 : Mr.D.Muthu Kumar
For M/s.Paul and Paul

For R6 : Mr.E.Manoharan

ORDER

The writ petition has been instituted to direct the respondents 1 to 4 to reconsider the existing Price Sharing Formula between the Small Tea Growers and the Bought Leaf Factories at the ratio of 65 :35 with a specific reference to the categorical findings of the ICWAI report dated 05.05.2008 and the IIPM report dated 01.04.2013 that the BLFs are continuously making profit and the actual rate realized by them are not available for sharing with the STGs.

2. The petitioner is Nilgiri Nelikolu Micro & Small Tea Growers and Farmers Development Society, (Reg.No.101/2013) which is a Society registered under the Tamil Nadu Societies Registration Act.



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3. The grievances of the petitioner-Society are that the ratio of 65:35 existing between the Small Tea Growers and the Bought Leaf Factories is to be reconsidered for the benefit of the members of the petitioner-Society.

4. The learned counsel appearing on behalf of the Respondents R3 & R6 and the learned counsel for the respondent R6 brought to the notice of this Court that the relief sought for in this regard was already granted by the respondents and a notification was issued on 15.04.2015. Therefore, the grievances of the petitioners had already been redressed in the year 2015 and thus, no further adjudication is required in the present writ petition.

5. The learned counsel for the petitioner-Society raised an objection by stating that subsequently, an amendment was issued in Notification dated 17.12.2021 and challenging the said amendment, the writ petition in W.P.No.9763 of 2023 has been filed by the petitioners.

6. In view of the fact that a fresh writ petition has been filed, challenging the subsequent amendment issued in Notification dated 17.12.2021, the petitioners are at liberty to pursue all the grounds raised in



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the present writ petition in the said writ petition filed in W.P.No.9763 of 2023.

7. With this liberty, the writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

10.04.2023

Index : Yes

Speaking order

Neutral Citation: Yes

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To

1. The Secretary to Government,
Union of India,
Ministry of Commerce,
Central Secretariat,
New Delhi.

2. The Secretary,
State of Tamil Nadu,
Micro, Small & Medium Enterprises
(A Department), Fort St. George,
Chennai – 9.

3. The Chairman,
The Tea Board of India,
No.14, BTM Sarani,

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- 4.The District Collector, Nilgiris District/
Chairman, District Price Monitory Committee,
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- 5.The Regional Executive Director,
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- 6.The Secretary,
The Nilgiri Bought Leaf Tea Manufacturers' Association,
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S.M.SUBRAMANIAM, J.

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