



W.P(MD)No.28387 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28387 of 2022

Pandi Raman

... Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Secretary,
Madurai Agricultural Marketing Committee,
Department of Agricultural Marketing and
Agri Business,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to remove obstructions to the petitioner's shop in Shop No. K285, Madurai Flower and Seeds Market Complex, Mattuthavani, Madurai by considering the petitioner's representation to the second respondent dated 26.11.2022 within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.M.Lingadurai
Special Government Pleader



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ORDER

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Heard the learned counsel on either side.

2. The writ petitioner is presently running his business in the petition mentioned shop premises. His grievance is that some third parties had caused obstructions. He submitted a representation to the second respondent for removing said obstructions. Since the petitioner's representation dated 26.11.2022 was not acted upon, the present writ petition came to be filed.

3. The second respondent has filed counter affidavit. In paragraph 6, Rule 37 of The Tamil Nadu Agricultural Produce Marketing (Regulation) Rules, 1991 has been extracted. It reads as follows:

“37. Person to abide the instructions of the Head of market.- Every person who enters into a market shall abide by the instructions of the Head of market or such officer authorised by him in regard to the places where the vehicles may be parked, in regard to the roads by which and the time at which they may proceed and such other instructions for smooth running of purchase and sale of agricultural produce in the market. Any person who obstructs or causes to obstruct any transaction of business shall quit the market immediately, if so directed by the Head of market or any officer of the market committee.”



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4. It is also admitted in the counter that one M.Selvam and M.Paraman are causing obstructions. It appears that the second respondent is not acting in the matter in view of the pendency of O.S.No.1480 of 2021, on the file of II Additional Subordinate Court, Madurai. So long as there is no restraint order against the second respondent, the second respondent need not have regard to the pendency of the civil suit.

5. It is clarified by the learned Special Government Pleader appearing for the respondents that no interim order has been granted against the marketing committee in the said civil suit. I therefore direct the second respondent to exercise their statutory power and cause removal of the obstructions. This shall be done after notice to the obstructors. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. If the instruction issued by the second respondent is not complied with, the second respondent can very well avail police aid. This writ petition is allowed on these terms. There shall be no order as to costs.

06.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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G.R.SWAMINATHAN, J.

MGA

To

- 1.The District Collector,
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