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W.P. No. 21612 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 21612 of 2023
and
W.M.P. No. 20984 of 2023**

S.Parvathy

... Petitioner

-VS-

1. The District Collector,
O/o the District Collector,
Salem District.
2. The Commissioner of Corporation,
O/o Salem Municipal Corporation,
Salem District.
3. The Special Committee,
O/o the Salem Corporation,
Salem District.
4. The Assistant Revenue Officer,
Ammamet Zonal,
Salem District.
5. The Commissioner of Police,
O/o the Salem Commissioner,
Salem District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First to Fourth Respondents publish notification for announcing to conduct the tender and conclude the entire exercise of its allotting shops to the participating vendor of



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VOC Market, Salem and consequently direct to the First to Fourth Respondents to complete the order of W.P. Nos. 7746 of 2020.

For Petitioner : Mr. G.Munuraj

For Respondents : Mr. B.Vijay,
Additional Government Pleader (for R1)

Ms. N.Devi,
Standing Counsel (for R2 to R4)

Mr. J.Subbiah,
Government Advocate (Criminal Side)
(for R5)

ORDER

Heard Mr. G.Munuraj, Learned Counsel for the Petitioner, Mr. B.Vijay, Learned Additional Government Pleader appearing for the First Respondent, Ms. N.Devi, Learned Standing Counsel appearing for the Second to Fourth Respondents and Mr. J.Subbiah, Learned Government Advocate (Criminal Side) appearing for the Fifth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioner in the Writ Petition that she is a vendor selling flowers at the erstwhile V.O.C. Flower Daily Market, Ammapettai,



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Salem, which has been demolished and re-constructed. The earlier Writ Petitions in W.P. No. 7740 of 2020 etc., batch had been filed relating to the allotment of shops in the said market and this Court by common order dated 27.04.2022 had observed as follows:-

“50. The other writ petitions are filed by the petitioners claiming to be vendors and they are not permitted by the licensee in the SCB market. The licensee disputed the same that they are not the real vendors at VOC market. However, there are allegations that the licensee inducted 240 new vendors by obtaining rupees ten lakh from each vendor and illegally allotted shops in SCB market to them, by creating false records with the help of the corporation officials.

51. In this connection, the Commissioner of Corporation, Salem shall constitute a committee of experts/ officials, so as to ensure that the farmers and vendors alone get the shops allotted in the market and ensure that they are not exploited by middleman or by money lenders. The petitioners in W.P.Nos.7740, 12740 and 17809 of 2020, 235, 4023, 4158 and 4233 of 2021 shall approach the said Committee to be constituted by the Commissioner of Corporation, Salem and the Committee shall take a decision as expeditiously as possible in respect of their grievances.

52. Accordingly, the writ petitions in W.P.Nos.7740, 12740 and 17809 of 2020, 235, 4023, 4158 and 4233 of 2021 are disposed of



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on the above terms. No costs. Consequently, connected miscellaneous petitions stand closed.

53. Before conclusion, this Court is inclined proceed further as follows;

54. The farmers are the backbone of this nation. India is basically an agricultural country. The great Tamil Scholar, Tiruvalluvar in his couplet No.1033 has emphasised the importance of agriculture, even before 2000 years, as follows:

*“உழுதுண்டு வாழ்வாரே வாழ்வார்மற் றெல்லாம்
தொழுதுண்டு பின்செல் பவர்”*

Translated version

*“They alone live who live by agriculture;
all others lead a cringing, dependant life”.*

55. Agriculture is source of livelihood; contributes to national income; source of food supply; plays vital role in industrial development; has commercial importance; source of government revenue; plays major role in economic planning;

56. We have witnessed several reports that the farmers are not having adequate facilities to store their hard grown produce and they never got an opportunity of fixing the price to their own produce. The farmers are getting a meagre profit of their produce, whereas traders and middlemen are getting the major chunk, who are not playing any role in cultivation at all.



57. *Considering the very importance of the agriculture, for the welfare of the agriculturists, Both Central and State Governments are taking several efforts by introducing and implementing several beneficial schemes, as follows:*

1.National Mission For Sustainable Agriculture (NMSA); 2.Pradhan Mantri Fasal Bima Yojana (PMFBY); 3.Pradhan Mantri Krishi Sinchai Yojana (PMKSY); 4.Paramparagat Krishi Vikas Yojana (PKVY); 5. Micro Irrigation Fund scheme; 6. Mission Organic Value Chain Development for North Eastern Region (MOVCDNER); 7. E-NAM; 8. Kisan Credit Card (KCC); 9. Soil Health Card; 10. PM Kisan Samman Nidhi Yojana; 11.PM Kisan Urja Suraksha Evam Utthaan Mahabhiyaan

58. *The Government is spending several crore of rupees for implementation of the above schemes every year. In the field of agriculture, marketing determines the value of the agricultural product in terms of money and delivers them to the final customer. Most of the farmers sell their produce through village level markets, fairs, Mandies, Co-operative Societies etc.,. In the above process of agricultural marketing, the middlemen exploit farmers as well as consumers. Generally, the middlemen and wholesale businessmen purchase the agricultural products from the farmers at a lower price. They also get the commission from the farmers for the transactions made. In turn, fresh vegetables and fruits purchased at the lower price from the farmers are sold out to retail businessmen at higher price and the retail businessmen sell*



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those agricultural products further at higher price to the consumers. As a result, the farmers get only the lower price for their produce, whereas the consumers have to pay higher price for the same produce and the farmers are not getting and even if they get any profit, it is not enough for them to continue the cultivation and because they are not having adequate money, they are dependant on money lenders for exorbitant interest.

59. In order to eliminate the middlemen between farmers and consumers, to provide space to the farmers to sell their goods and in order to derive more benefits to the farmers as well as consumers, the Government of Tamilnadu introduced a new welcoming concept, namely “UZHAVAR SANTHAIFARMERS MARKET” in the year 1999. Some of the objects of the scheme are as follows:

- To facilitate direct contact between the farmers and public.*
- To provide fresh vegetables and fruits at reasonable price daily without any interference of middlemen.*
- To give full satisfaction to the farmers and public.*

60. However, it is very sad to mention that in due course, the spaces provided under this scheme were also occupied by the traders under the guise of farmers. Of course, the success of any scheme lies with the officials, who are implementing it.



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61. *The income / revenue received by the local bodies from the markets is very meagre. However, for the benefit of few licensees, the markets are leased out, as if it is augmenting the revenue of the local bodies. The number of agriculturists and the area of cultivation are decreasing day by day in this country. Therefore, at least in order to sustain the same without getting worse from today's scenario, and also taking into account this case as an eye opener, the Secretary, Municipal Administration, Fort St.George, Chennai, shall revisit the policy of leasing out the markets to private parties and find out the possibilities of allotting shops at free of cost to farmers and vendors; or at least find out the possibilities of collecting the toll fee at a reasonable or minimum cost by the officials of the Local Bodies itself, in order to prevent the private parties harassing the farmers and vendors from collecting exorbitant charges under the blanket of licensee or lease holder;”*

The grievance ventilated by the Petitioner in this Writ Petition is that despite the aforesaid order, no effective steps have been taken by the Respondents for allotting shops to vendors like her by any transparent method inspite of her representation dated 09.07.2023 made in that regard. In that backdrop, she has filed this Writ Petition seeking direction to the First to Fourth Respondents to publish notification for announcing to conduct the tender and conclude the entire exercise of allotment of shops to the existing vendors of the said market.



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3. Learned Standing Counsel appearing for the Second to Fourth Respondents has filed a memo dated 04.01.2024 stating that the Respondents had constituted a Special Committee headed by the Executive Engineer of Salem Corporation as per the the aforesaid common order dated 27.04.2023 in W.P. No. 7740 of 2020 etc., batch to redress the grievance of the vendors in the market. However, it has been brought to notice that the Respondents have proceeded with auction for granting right to collect toll in the said market, but it is represented that the contract has not been finalized as the entire amount has not been paid by the successful bidder till date.

4. Having regard to the aforesaid fact situation, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) the Special Committee formed in furtherance to the common order dated 27.04.2022 in W.P. No. 7740 of 2020 etc., batch, shall immediately examine the representation dated 09.07.2023 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;



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- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 10 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and
- (v) the Respondents shall not enter into any fresh contract for allotment of shops till the aforesaid exercise is completed.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

10.01.2024

Index: Yes/No
NCC: Yes/No



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Note: Issue order copy by 11.03.2024.

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P.D. AUDIKESAVALU, J.

vjt

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