



W.P. No. 35239 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

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

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1. R.M.Raju
2. P.Raja Ganesh
3. M.Soundrarajan
4. P.Aasaithambi
5. G.Thiagarajan
6. R.Ramu
7. N.Santhanakrishnan
8. S.Sudarshan
9. A.Sakthivel
10. S.Chithambaram
11. M.Manickam
12. S.Annamalai
13. G.Balasubramaniam
14. A.Kannan
15. M.Manikandan



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16. K.Venkatachalam

17. S.Velayutham

18. P.Karthikeyan

19. P.Saravanan

20. J.Sendilkumar

21. S.Kartheeban

22. R.Boopathy

23. D.Manikandan

24. G.Dhanapackiam

25. N.Mohan

26. A.Nandini Arulmani

27. K.Sureshkumar

28. S.Kathiravan

29. S.Diwakar

30. V.Shanmugam

31. R.Jayes

32. V.Gnanasekaran

33. T.Selvamani

34. S.Angappan

35. G.Thangavel

36. V.Rukmangadhan

37. A.Malarmani



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38. K.Vasudevan

39. G.Seenivasan

40. K.Chandran

41. K.P.Mani

42. E.Easwaran

43. B.Mohan

44. P.Magalingam

45. M.Kaliammal

46. M.Rani

47. S.Chinnammal

48. K.Sadhasivam

49. M.Subramani

50. V.Saraswathi

51. P.Sivanandam

52. P.Raju

53. R.Sridevi

54. P.Rajendran

55. C.Kuppusamy

56. E.Venkatachalam

57. E.Madheswari

58. C.Vaithiyalingam

59. K.Ramesh



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60. K.Vijay

61. S.Sakthivel

62. A.Gajendran

63. S.Joseph

64. G.Ayyanar

65. M.Vijayakumar

66. V.Madhu

67. P.Natarajan

68. S.Palanisami

69. G.Thamilselvan

70. S.Gopinath

71. V.Rajamohan

72. A.Manikandan

73. E.Chidambaram

74. K.Kumaravel

75. K.Jeyakumar

76. R.Elumalai

77. R.Vijayalakshmi

78. S.Kanaghu

79. S.Devi

80. P.Rajamanikkam

81. V.Kulandhivel



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82. S.Arjun

83. G.Babu

84. V.Jeyabalan

85. S.V.Kiruba

86. R.Maanuvel

87. R.Prabu

88. V.Raju

89. P.Govindraj

90. V.Chakrabani

91. M.Karthikeyan

92. Durairaj

93. M.Naga Veni

94. L.Mani

95. N.Murugan

96. T.Rajasekaran

97. G.Tamilselvi

98. R.Rani

99. S.Revathi

100. R.Mani

... Petitioners

-VS-

1. The Commissioner,
Corporation of Salem,
Salem.



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2. The Assistant Commissioner,
Ammapettai Ward Office,
Corporation of Salem,
Salem.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to consider the representation dated 19.11.2021 and allot the shops in the ground floor in the newly constructed V.O.C. Daily Market Building for running flower shop.

For Petitioners : Mr. E.Om Prakash,
Senior Counsel
for Mr. V.T.Balaji

For Respondents : Ms. N.Devi,
Standing Counsel

ORDER

Heard Mr. E.Om Prakash, Learned Senior Counsel appearing for the Petitioners and Ms. N.Devi, Learned Standing Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioners in the Writ Petition that they are the



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vendors selling flowers at the erstwhile V.O.C. Flower Daily Market, Ammapettai, 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



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17809 of 2020, 235, 4023, 4158 and 4233 of 2021 are disposed of 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.

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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*



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retail businessmen at higher price and the retail businessmen sell 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 Petitioners 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 them by any transparent method inspite of their representations dated 19.11.2021 made in that regard. In that backdrop, they have filed this Writ Petition seeking direction to the First Respondent to consider the said representation and to allot shops in the ground floor in the newly constructed V.O.C. Daily Market Building for running flower shops.



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3. Learned Standing Counsel appearing for the Respondents has filed memo dated 08.01.2024 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 regarding the grievance of the vendors in the same could be addressed to that Committee. However, in the meanwhile, it has been brought to notice that the Respondents have proceeded with auction for granting right to collect toll in the said market. However, it has been stated that the matters have not been finalized as the entire amount has not been paid by the successful bidders 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 19.11.2021 made by the Petitioners including ascertaining as to whether each of the Petitioners would be



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entitled for the relief claimed;

- (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 each of the Petitioners 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 each of the Petitioners 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. No costs.

10.01.2024
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Index: Yes/No



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NCC: Yes/No

Note: Issue order copy by 11.03.2024.

vjt

To

1. The Commissioner,
Corporation of Salem,
Salem.
2. The Assistant Commissioner,
Ammapettai Ward Office,
Corporation of Salem,
Salem.



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P.D. AUDIKESAVALU, J.

vjt

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