



W.P.(MD).No.30926 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

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and

W.M.P.(MD).No.26530 of 2023

K.Ganeshkumar

... Petitioner

vs.

- 1.The State of Tamil Nadu
represented by its Secretary to Government,
Agriculture and Farmers Welfare (AM2) Department,
Fort St. George,
Chennai.
- 2.The Commissioner of Agricultural Marketing,
Guindy,
Chennai.
- 3.The Superintendent,
Agricultural Marketing Regulating Committee,
Virudhunagar.
- 4.The Secretary,
Agricultural Marketing Committee,
Virudhunagar.
- 5.The Virudhunagar Coriander,
Seeds Merchants Association,
represented by its Secretary,
Virudhunagar.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records relating to the impugned order passed by the third respondent vide Na.Ka.No. 171/2023, dated 06.12.2023 and quash the same as illegal.

For Petitioner	: Mr.G.Mariappan
For R1 to R4	: Mrs.K.Christy Theboral
	Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the third respondent vide Na.Ka.No.171/2023, dated 06.12.2023 and to quash the same.

2. According to the petitioner, he was engaged in the business of processing and selling of the Coriander in retail and whole sales under the name and style of 'Sri Ayyanar Maligai'. He has also obtained licence from the local body to do the business of processing and cleaning the coriander. The said entity is registered on 18.06.2010 and it is functioning from the year 2010. While so, the impugned notice in Na.Ka.No.171/2023, dated 06.12.2023, has been issued stating that he



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has to submit his returns within 15 days from the date of receipt of notice, failing which prosecution will be launched against him. The petitioner has not registered himself as an assessee with the respondents 3 and 4. Further, the respondents 3 and 4 have no power to issue the impugned notice. Challenging the said notice, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner has given an explanation to the show cause notice issued to him, on 28.12.2023, in Na.Ka.No.171/2023, dated 06.12.2023 and restricting the prayer to the extent that the said explanation may be considered by the respondents 3 and 4 and pass appropriate orders, based on the notification issued by the Government in Notification No.II (1)/AGFW/31/2022), dated 25.05.2022.

4. The learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that the petitioner's explanation will be considered by the authorities concerned within a period of twelve weeks.



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5. Considering the above said submissions, this Court directs the respondents 2 and 3 to consider the petitioner's explanation dated 28.12.2023 and pass appropriate orders, based on the notification issued by the Government in Notification No.II (1)/AGFW/31/2022), dated 25.05.2022, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

10.01.2024

akv

To

1.The Secretary to Government,
State of Tamil Nadu,
Agriculture and Farmers Welfare (AM2) Department,
Fort St. George,
Chennai.

2.The Commissioner of Agricultural Marketing,
Guindy,
Chennai.



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3.The Superintendent,
Agricultural Marketing Regulating Committee,
Virudhunagar.

4.The Secretary,
Agricultural Marketing Committee,
Virudhunagar.



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V.BHAVANI SUBBAROYAN,J.

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