



W.P.(MD)No.7578 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.7578 of 2025

and

W.M.P(MD)No.5701 of 2025

T.Dhanalakshmi

.... Petitioner

/Vs/

1. The Government of Tamil Nadu
Represented by its Secretary to Government,
Agriculture Department, Fort St. George,
Chennai 600 009
 2. The Commissioner
Agricultural Marketing and Trade Department,
Industrial Estate, Guindy, Chennai 600 032
 3. The District Collector,
Madurai District, Madurai.
 4. The Revenue Divisional Officer
Collectorate, Madurai
 5. The Secretary,
Madurai Marketing Committee,
No. 145a, Anna Nagar,
Madurai 625 020
- Respondents



W.P.(MD)No.7578 of 2025

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Writ of Certiorari, calling for the records pertaining to the impugned order of the 5th respondent vide his proceedings in Na.Ka.No. Aa2/2309/2014 dated 25.02.2025 and quash the same as illegal.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates
For R1 to R4 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner challenges the order of the fifth respondent in Na.Ka.No.Aa2/2309/2014, dated 25.02.2025.

2. I have heard learned counsel appearing for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents 1 to 4.

3. The petitioner is aggrieved by the conduct of the fifth respondent in passing the order without giving an opportunity to the petitioner before proceeding to cancel the allotment in favour of the petitioner. I admitted the writ petition and granted an interim order.



W.P.(MD)No.7578 of 2025

WEB COPY

Thereafter, the fifth respondent has filed a counter. In the said counter affidavit, it is contended that even at the application stage, clauses have been included in the agreement with the prospective allottees that all the conditions should be strictly complied with by the vendors and any deviation of the same would result in cancellation of the allotment.

4. It is further contended that if any information furnished by the petitioner was found to be incorrect, at a later date, or if there is a violation of the declaration given by the allottees at the time of issuing the application, then the Madurai Market Committee was empowered to cancel the allotment and resume possession by forfeiture of payment made by the petitioner.

5. It is not in dispute that even at the time of allotting the shops, an agreement was entered into and several conditions have been imposed. In view of the conditions which have been relied on by the fifth respondent as to the power of the marketing committee to cancel the allotments and resume possession of the shops, the said power of the authority is not called in question.



W.P.(MD)No.7578 of 2025

WEB COPY

6. The only grievance of the petitioner is that prior to passing the order cancelling the allotments and seeking resumption of possession, the petitioner was not heard or given any opportunity. The counter affidavit has been perused and it does not disclose that any such opportunity was given to the petitioner before the cancellation order came to be passed. Having power to cancel the allotment is one thing and passing the order cancelling the assignment after giving an opportunity to the petitioner is completely different. Unless the petitioner was given an opportunity to putforth his objections to the cancellation proposed, there would not be compliance of the principles of natural justice. The petitioner may have strong reasons to contest the allegations made by the Marketing Committee with regard to violation of the conditions. Therefore, it was incumbent for the authorities to hear the petitioner before passing the cancellation order.

7. In the light of the above, I am inclined to set aside the impugned order of the fifth respondent and the matter is remitted to the second respondent, who shall give fresh notice to the petitioner, conduct an



W.P.(MD)No.7578 of 2025

WEB COPY

enquiry and give a fair opportunity to the petitioner to meet the objections / allegations made by the marketing committee alleging violation of conditions and after considering the explanation offered by the petitioner, the second respondent shall pass final orders on merits and in accordance with law. The entire exercise shall be carried out within a period of three months from the date of receipt of a copy of this order.

8. In the result, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
am

22.04.2025



W.P.(MD)No.7578 of 2025

WEB COPY
To

1. The Secretary to Government,
The Government of Tamil Nadu
Agriculture Department, Fort St. George,
Chennai 600 009
2. The Commissioner
Agricultural Marketing and Trade Department,
Industrial Estate, Guindy, Chennai 600 032
3. The District Collector,
Madurai District, Madurai.
4. The Revenue Divisional Officer
Collectorate, Madurai
5. The Secretary,
Madurai Marketing Committee,
No. 145a, Anna Nagar,
Madurai 625 020



WEB COPY



W.P.(MD)No.7578 of 2025

P.B. BALAJI, J.
am

Order made in
W.P.(MD)No.7578 of 2025

Dated:
22.04.2025