



W.P.(MD)No.8143 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.04.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.8143 of 2025

and

W.M.P(MD)No.6105 of 2025

P.Oviyakala

.... Petitioner

/Vs/

1. The Government of Tamilnadu,
Rep. by its Principal Secretary to Government
/ Commissioner,
Agriculture Marketing and Trade Department,
Industrial Estate,
Guindy, Chennai.

2. The Secretary,
Madurai Marketing Committee,
No. 145, A. Anna Nagar,
Madurai - 20.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order issued by 2nd respondent cancelling the allotment order in Na.Ga.No.A2/2309/2014 dt. 25.02.2025 and quash the same.



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For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

The petitioner challenges the order of the second respondent in Na.Ga.No.A2/2309/2014, dated 25.02.2025.

2. I have heard learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.

3. The petitioner is aggrieved by the conduct of the second 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. Thereafter, the second 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.



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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 second 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.

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.



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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 put forth 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 second respondent and the matter is remitted to the first respondent, who shall give fresh notice to the petitioner, conduct an 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 first 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.



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8. In the result, the writ petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
am

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To

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P.B. BALAJI, J.
am

Order made in
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Dated:
22.04.2025