



W.P(MD)No.4869 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 19.12.2024

PRONOUNCED ON : 23.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.4869 of 2019

and

W.M.P(MD)Nos.3878/2019 & 4701 of 2023

M.G.R.Central Market
All Traders Association,
Mattuthavani, Madurai – 20,
Registration No.191/2018,
Through its Secretary,
M.Krishnapandi.

... Petitioner

Vs

- 1.The Commissioner,
Agriculture Marketing and Agriculture Business,
CIPET Road, Guindy, Chennai – 32.
- 2.The Assistant Director,
Agriculture Marketing and Agriculture Business,
Madurai – 20.
- 3.The District Collector,
Madurai District.
- 4.The Commissioner,
Madurai Corporation,
Madurai – 625 002.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the letter dated 11.12.2018E/3689/2018 and quash the same and further direct the first respondent to implement the 'Market Establishment' project as per G.O.Ms.No.182 dated 26.08.2010 by considering the petitioner's representation dated 13.02.2019.

For Petitioner : Mr.V.Vinayagamoorthy

For RR 1 to 3 : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by
Mr.D.Gandhi Raj
Special Government Pleader

For R – 4 : Mr.F.Deepak

ORDER

This writ petition has been filed by the petitioner challenging the communication, dated 11.12.2018 on the file of the first respondent thereby informing that the scheme of implementing the market establishment project as per G.O.Ms.No.182 dated 26.08.2010 is cancelled.

2.The petitioner's Association consists its members of various agricultural traders union of nearby villages of Madurai District. The members of the petitioner are active members in the erstwhile Central Market of Madurai. While being so, for administrative reasons,



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the Government planned to shift the market from the central area of Madurai on the western side of the new MGR bus stand. The proposed area admeasuring 33 acres comprised in survey Nos.142/1, 143/3 and 137/1 situated at Tallakulam Village, Mattuthavani, Madurai was allotted to the traders in the year 1993. Thereafter due to the change of regime, the market was shifted to the temporary tin sheds wherein no basic amenities for trading. However, the members of the petitioner were assured that very soon permanent structure would be provided for them. Accordingly, the Government passed an order in G.O.Ms.No.182, Agriculture (AP1) Department, dated 26.08.2010. Accordingly, the State Level Sanctioning Committee has approved the proposal of Agricultural Marketing and Agri Business with the observations that the State Level Sanctioning Committee instructed to send a detailed project report to the Department of Agriculture and Co-operation, Government of India it was opined to appoint a project consultant for supervising the project and to tie up the operational aspects before starting the project. Further, the said State Level Sanctioning Committee suggested to form a High Level Monitoring Committee consisting of representatives from the Government of India for implementing the project. The Government accorded sanction for the “Establishment of Vegetable Market” at



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Madurai Mattuthavani at a total cost of Rs.85.00 crores and sanctioned to the tune of Rs.30.00 crores towards project cost for the year 2010-2011 under the National Agriculture Development Programme subject to the condition that under any circumstances no deviation from the decision of the State Level Sanctioning Committee is permitted and the amount sanctioned above for the project is 100% grant-in-aid under the National Agriculture Development Programme. The project cost is as follows:

Sl. No.	Description	Total shops	Total amount in (Rupees)
1.	Retail Shops (3.00 X 3.00m) in blocks of 108 shops	648 (6 blocks)	21,36,00,000/-
2.	Construction of Administrative Block consist of Administrative office for market office for State Agri Marketing Board staffs, Corporation staffs, conference hall and retiring room for officials and marketing consultants	Four storey	1,16,00,000/-
3.	Provision for grading and sorting yard		65,00,000/-
4.	Construction of culvert for front entrance of the proposed central market	LS	32,60,000/-
5.	Construction of cross culverts for interior roads of the proposed central market	LS	60,00,000/-
6.	Construction of RCC roofed room for keeping food processing equipments		63,35,000/-



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7.	Construction of building for grading sorting and storing the vegetables and fruits		66,00,000/-
8.	Filling and low lying area in front portion with ordinary earth	LS	2,50,00,000/-
9.	Filling and low lying area in front portion with gravel	LS	1,16,00,000/-
10.	Filling and low lying area in front portion with gravel	LS	97,15,000/-
			30,00,00,000/-

3. The Government further ordered that the running cost has to be met out from the Rent and Service Charges from the Users. The Engineering Wing of Tamil Nadu State Agriculture Marketing Board, Chennai will be the implementing Agency. The Government also ordered with regards to forming of a High Level Monitoring Committee for implementing the project by the Agriculture Department. The funds available under existing centrally sponsored, central sector schemes should invariably be tapped before using Rashtriya Krishivikas Yojana/National Agriculture Development Programme funds for the above project. Further directed the Agricultural Marketing and Agri Business Department should take care to ensure no duplication of subsidy. It is responsible for the technical and quality control of the implementation of the project. Accordingly, the detailed project report



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was sent by the Government of India to the State Level Sanctioning Committee. The Tamil Nadu Watershed Development Agency is the Nodal Agency and it shall prescribe benchmarks for outcomes, milestones with time lines and monitor the outcomes to ensure that the implementing agency adhere to them. However, the said project was not implemented for the past several years. Therefore, the petitioner submitted several representations seeking implementation of project as per the Government Order in G.O.Ms.No.182, dated 26.08.2010. Finally, the petitioner was informed that in order to implement the said project, there is no sufficient place and as such, the implementation of said project as per G.O.Ms.No.182, dated 26.08.2010 has been abandoned.

4. On perusal of the counter affidavit filed by the second respondent and on the submissions made by Mr.Veera.Kathiravan, learned Additional Advocate General revealed that the Madurai Vegetable Central Market has been already shifted to Mattuthavani near MGR bus stand and it is functioning from the year 2012. The Government conducted its 16th State Level Sanctioning Committee of the National Agriculture Development Programme for the year 2018-19 on 02.04.2018 and discussed the Agenda to drop the project of Madurai



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Vegetable Central Market by the resolution that the State Level Sanctioning Committee accepted the Agenda and permitted to drop the project of Madurai Market Complex and adjusting the sanctioned amount of Rs.30 crore for the project of Rs.87.98 crores. Accordingly, the proposal was cancelled by the State Level Sanctioning Committee.

5. On perusal of the Minutes of the 16th Meeting of the State Level Sanctioning Committee, dated 02.04.2018 revealed that the said committee accepted the Agenda for dropping of Madurai Central Market Project approved for 85 crores and financially sanctioned for Rs.30.00 crore in the year 2010-2011 under the National Agricultural Development Programme to avoid the duplication of work as the Madurai Corporation has established a Market Complex in the proposed place and adjusting the amount of Rs.30 crore released for the project for the Gol liability of Rs.87.98 crore with respect to the years 2012-2013 and 2013-14.

6. However, the learned counsel appearing for the petitioner would submit that the State Level Sanctioning Committee cannot simply dropped the project since the fund to the tune of Rs.30 crores was sanctioned for the project of establishment of Vegetable Market under the



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National Agricultural Development Programme / Rashtriya Krishivikas Yojana. The entire funds were sanctioned for the said project and it cannot be diverted for any other purpose at any circumstances. In the meeting conducted by the State Level Sanctioning Committee without stating any reasons mechanically accepted the Agenda to drop the entire project on the ground that already the Corporation of Madurai has established the Market Complex in the proposed place and adjusted the amount, which was sanctioned for the project of establishment of Vegetable Market at Madurai.

7. He also specifically contended that the Government Order can have a over-riding effect on the resolution passed by the State Level Sanctioning Committee. The Government Order was passed in the name of the Governor. Once the executive order is issued in the name of the Governor, it cannot be modified or altered or annulled or cancelled by yet another executive order not having been issued in the name of the Governor and therefore, the very act of the superseding the Government Order by the resolution passed by the State Level Sanctioning Committee is neither proper nor for any good reason assigned in the resolution. Therefore, it has no legal sanctity.



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8. On perusal of the additional counter affidavit filed by the second respondent revealed that no order has been passed to establish the vegetable market at Mattuthavani Madurai. As per the Government Order in G.O.Ms.No.182, dated 26.08.2010 the Government ordered that the State Level Sanctioning Committee to send a detailed projects report to the Department of Agriculture and Co-operation, Government of India in order to implement the project with the sanctioned amount of Rs.30 crores for the year 2010-2011 and the remaining 55 crores for the year 2011-2012 permitted for the project under National Agricultural Development Programme. In order to implement the project, the second respondent found place at Madurai Mattuthavani which comes under Thallakulam Village. Therefore, a request was made to the fourth respondent to hand over the said land to establish the vegetable Market. On the request, the fourth respondent also resolved to grant the subject land for establishment of Vegetable Market, thereafter, the fourth respondent cancelled the resolution and they allotted a land to an extent of 11.4 acres at Avaniyapuram Village for the purpose of establishing the Market. Therefore, the project was not implemented for the year 2010-2011 and the said amount could not be utilized. Further, on



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inspection found that the land, which was proposed to allot, is not feasible to carry out the said project as it is situate outside the Madurai City. Further, the extent of the land will not achieve the goals of the project. In the meanwhile, the fourth respondent constructed a pucca concrete roofed shops nearly 1000 shops with proper amenities and it is running successfully and maintained under the Smart City Project. Further, a well established Market has been formed at Paravai, Madurai and the traders resides at Northwest area of Madurai are using the said Market. It is sufficient enough to cater the needs of the Agriculturists, Traders and Consumers of Madurai City and the neighbouring Towns and Villages. Therefore, the said project was dropped and it was duly accepted by the State Level Sanctioning Committee by its 16th Meeting held on 02.04.2018.

9. In view of the above, this Court finds no infirmity or illegality in the communication sent by the first respondent to the petitioner dated 11.12.2018 and hence, the writ petition is liable to be dismissed.



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10. Accordingly, the writ petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
am/ps

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Pre-Delivery Order made in
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