



W.P.(MD).No.18204 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2025

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

W.P.(MD).No.18204 of 2022
and
W.P.(MD).Nos.13273 & 13278 of 2022

O.Kannan

.. Petitioner

Vs.

1.The Secretary,
Tirunelveli Markets Committee,
Agricultural Markets and Agri-Business Department,
Tirunelveli.

2.The Superintendent,
Regulated Markets,
Valliyur,
Tirunelveli District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the proceeding of the 1st respondent in Na.Ka.No.Aa1/1600-5/2016 dated 29.03.2022, Sa.Mu.Aa.No.Aa1/1600-5/2016 dated 28.04.2022 and Na.Ka.No.Aa1/1600/2016 dated 06.06.2022.



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For Petitioner : M/s.Appaji.C.K.M
Advocate
For R1 : Mr.D.Gandhi Raj
Special Government Pleader
For R2 : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

The writ petition has been filed challenging the order dated 29.03.2022, and subsequent orders dated 28.04.2022 and 06.06.2022, thereby cancelled the allotment and also ordered to handover the vacant position of the subject place.

2. The petitioner is a Coconut fibre coir manufacturer, in order to facilitate the agricultural markets in consonance with agmarknet, the centrally sponsored scheme, and the Tamil Nadu Farmers Development and Welfare Scheme, the respondent No.1 has established the respondent No.2 Regulated Market at Valliyur, Tirunelveli District.

3. In the meantime, the petitioner also preferred an application before the respondent No.1, seeking permission to commence a Coconut Fibre Coir Pressing Unit in the vacant space available in the surrounding of the respondent No.2 office.



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4. The petitioner also sought for permission to utilize auction shed and godown available along with Farmer Service Centre of the respondent No.2, while carrying Coconut Fibre Coir Pressing Unit.

5. Considering the applications submitted by the petitioner, the respondent No.1 by its proceedings dated 14.12.2021 occupied a space in the respondent No.2 Centre, for a period of 11 months namely 20.12.2021 to 19.11.2022 in favour of the petitioner, for a monthly rent of Rs.8,500/- along with other conditions.

6. Thereafter, the petitioner accordingly paid advance amount and other charges. The petitioner had invested Rs.15,50,000/- for production of Pressing Unit to draw electricity and create infrastructure for the Coconut Fibre Coir Pressing Unit.

7. However, the respondent issued notice dated 29.03.2022, thereby informed the petitioner that no agreement is received so far. Therefore, the petitioner was directed to remove the structure put up by him within a period of five (5) days, failing which allotment of space will be revoked and notice of eviction will be ordered. Though, the petitioner submitted a detailed representation, the respondent No.1, cancelled the allotment order and ordered to remove all the superstructures.



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8. On perusal of the counter-affidavit filed by the respondent No.2 and the submissions made by Mr.M.Senthil Ayyanar, the learned Government Advocate.

9. This Court is of the view that after allotment in favour of the petitioner, the petitioner failed to enter into the agreement, that apart, the petitioner failed to follow the condition Nos.6, 7, 8, 12 & 13 of the draft agreement. Therefore, the petitioner breached the terms and conditions which were formed to regulate, therefore, there are all sufficient and valid reasons to cancel the allotment.

10. In pursuance to the cancellation of the allotment, the petitioner is allowed to be evicted from the premises of the respondent No.2.

11. In view of the above, this Court finds no infirmity or illegality in the order passed by the respondent No.1, this writ petition is devoid of merits and is liable to be dismissed and is accordingly dismissed. No costs. Connected writ miscellaneous petitions are closed.

24.01.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

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