



W.P.Nos.38474 and 35783 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :22.01.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.Nos.38474 and 35783 of 2024
and W.M.P.No.38654 of 2024

C.D.Muthukarupusamy

..Petitioner in both writ petitions

-Vs-

1. The Principal Secretary / Commissioner,
Department of Agricultural Sales and Commerce,
Chennai.
2. The District Collector,
Tiruppur District, Tiruppur.
3. The Deputy Director,
Department of Agricultural Sales and Commerce,
Tiruppur.
4. The Commissioner,
Department of Agricultural Sales and Commerce,
Chennai.
5. The Administrative Officer,
Tiruppur South,
Department of Agricultural Sales and Commerce,
Tiruppur

...Respondents in both writ petitions



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Prayer in W.P.No.38474 of 2024 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari to call for the records of impugned circular dated 15.09.2017 vide proceedings in letter No.Uu.Sa.2/20746/2017 dated 15.09.2017 on the file of the 4th respondent and quash the same.

Prayer in W.P.No.35783 of 2024 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the impugned order dated 30.10.2024 vide proceedings in Letter No.E/04/2024 on the file of the 3rd respondent and quash the same and to direct the respondents to grant a licence to the petitioner to sell all of his agricultural products in the farmers market situated at Tirupur South, Tiruppur District.

For Petitioner : Mr.K.Myilsamy
in both W.Ps

For Respondents : Mr.V.Jeevagiridharan
in both W.Ps Additional Government Pleader



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COMMON ORDER

This Writ Petition has been filed for the following relief:

W.P.No.38474 of 2024

“To issue a writ of certiorari to call for the records of the impugned circular dated 15.09.2017 vide proceedings in Letter No.Uu.Sa.2/20746/2017 dated 15.09.2017 on the file of the 4th respondent and to quash the same. ”

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“To issue a writ of certiorarified mandamus to call for the records of the impugned order dated 30.10.2024 vide proceedings in Letter No.E/04/2024 on the file of the 3rd respondent and quash the same and to direct the respondents to grant a licence to the petitioner to sell all of his agricultural products in the farmers market situated at Tirupur South, Tiruppur District.”

2. The short facts giving rise to the above writ petitions are briefly set out herein.

(i) The petitioner would submit that he is cultivating crops in the subject property. He had enrolled before the respondents for selling his agricultural products in the Tiruppur South Farmers Market for



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which he has obtained the necessary identity card after his request was approved by the 3rd respondent.

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(ii) It is the case of the petitioner that one Sivakumar is also selling agricultural products in the said market. There was a money dispute between the petitioner and the said Sivakumar. With a view to wreak vengeance on the petitioner on 14.06.2024, the said Sivakumar, in an inebriated state, picked up a quarrel with the petitioner and abused him using unparliamentary words. He had also threatened the petitioner with dire consequences. Consequently, the petitioner had lodged a complaint before the Inspector of Police, Tiruppur South against the said Sivakumar. Apart from the above case, there are several other cases pending against the said Sivakumar. In the light of the above conduct, the licence granted to the said Sivakumar to sell his products in the farmers market was suspended for a period of three months by order dated 21.06.2024. This order was not challenged by the said Sivakumar. Thereafter, owing to further life threat from the said Sivakumar, the petitioner had made a representation to the respondents seeking to take action against him and to grant the police protection. However, the respondents 3 and 4 had orally directed the petitioner not to sell his

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agricultural products in the Farmers Market. Despite the petitioner's explanation, he was not permitted to sell his produce.

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(iii) The petitioner would submit that by reason of the said direction, his livelihood was affected. Therefore, he had made a representation to the 2nd respondent requesting permission to sell his agricultural produce in the Farmers Market. Though the representation was received, no action was taken constraining the petitioner to file W.P.No.27271 of 2024. The said writ petition was disposed of by this Court on 19.09.2024 directing the respondents to consider the petitioner's representation within a period of four weeks. Thereafter, by order dated 30.10.2024, the 3rd respondent had granted permission to the petitioner to sell the agricultural produce cultivated in his own lands and denied permission in respect of the produce cultivated in leasehold lands, citing the circular issued by the 4th respondent which mandates production of a registered tenancy agreement for issuance of licence to sell agricultural produce in the farmers market. Aggrieved by the said order dated 30.10.2024 and the circular dated 15.09.2017, the petitioner is before this Court.



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3. The contention of the petitioner is that as per Section 2(18) of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 a “producer” includes not only a person who grows, rears or produces by himself, but also includes cultivating tenants or persons cultivating the lands of others. Therefore, the petitioner submits that he is entitled to permission to sell agricultural produce cultivated in leasehold lands as well.

4. The respondents have filed counter affidavits in which they have clearly stated that the petitioner has not produced any document to show that he is either the owner or the cultivating tenant of the lands for which permission was denied. It is further stated that the petitioner owns 7 acres of land in Iduvai Village, Tiruppur District and permission has already been granted to him to sell agricultural produce cultivated in the said lands.

5. On an earlier occasion, when the matter had come up for hearing, this Court had directed the respondents to produce the



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documents to show that he is cultivating the said lands. The petitioner has produced the said documents all of which do not reflect his name either as the owner or as the person in cultivation.

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6. Heard the learned counsel on either side and perused the materials available on record.

7. Section 2(18) of the Tamil Nadu Produce Marketing (Regulation) Act defines the producer as follows:

“Producer” means any person who grows, rears or produces by himself, or by hired labour or otherwise, any agricultural produce, but does not include a broker or a trader in that produce, although he may grow, rear or produce that produce:

Provided that for the purposes of nomination under this Act, a person shall not be deemed to be a producer unless he has grown, reared or produced the notified agricultural produce for a period of not less than three years immediately preceding the date of occurrence of the vacancy.

If any question arises as to whether any person is a producer



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or not for the purposes of this Act, the decision of the Collector shall, subject to Section 60, be final.”

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8. Therefore, it is clear that even a person who has taken land on lease and is cultivating thereupon would also fall within the definition of “producer” however such person has to prove that he is cultivating the said lands. The learned Additional Government Pleader appearing for respondents 1 to 5 has produced an application made by one Thangaraj whose lands the petitioner claims to have taken on lease. It is seen that the said Thangaraj has applied for permission to sell agricultural produce in the Farmers Market by enclosing the Adangal, patta etc., which clearly establish that the contention of the petitioner that he is cultivating the lands is absolutely false. Consequently, the relief claimed by the petitioner cannot be granted. Therefore, the impugner orders cannot be found fault with. Accordingly, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking Order : Yes / No
srn



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To

1. The Principal Secretary of
Government
Government of Tamil Nadu
Housing and Urban Development
Department,
Fort St. George, Chennai.

2. The Managing Director
Tamil Nadu Housing Board
CMDA Building, E and C Market
Road, Koyambedu,
Chennai-600 107.

3. The Executive Engineer
Tamil Nadu Housing Board,
Bhagalur Road, Hosur-635 109.

4. The Special Tahsildar (LA)
Hosur Housing Scheme, Bhagalur
Road, Hosur-635 109.



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P.T.ASHA, J.,

srn

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