

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

WP(C).No. 20887 of 2008 (J)

PETITIONER(S):

**SATHEESH P.V., PROPRIETOR,
STAR TRADERS, X/171, MUNDOOR PO.
THRISSUR**

**BY ADVS.SRI.S.SREEKUMAR (SR.)
SRI.K.S.BHARATHAN
SRI.P.R.VENKETESH**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR
THRISSUR, COLLECTORATE, AYYANTHOLE
THRISSUR**
- 2. THE DISTRICT SUPPLY OFFICER,
TRICHUR**
- 3. THE TALUK SUPPLY OFFICER,
KODUNGALLUR, THRISSUR DISTRICT.**
- 4. THE SUB INSPECTOR OF POLICE
KODUNGALLUR POLICE STATION, THRISSUR DISTRICT.**
- 5. STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO
THE GOVERNMENT, FOOD AND CIVIL SUPPLIES DEPARTMENT,
THIRUVANANTHAPURAM.**
- 6. DEPUTY SECRETARY (FOOD AND CIVIL
SUPPLIES DEPARTMENT), SECRETARIAT, THIRUVANANTHAPURAM.**

R1 TO R6 BY GOVERNMENT PLEADER SRI. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER(S) EXHIBITS:

- EXT.P1:- COPY OF THE TAX INVOICE EVIDENCING THE PURCHASE OF WHEAT.
- EXT.P2:- COPY OF THE TAX INVOICE RAISED BY THE PETITIONER IN THE NAME OF KOTTAPPURAM TRADING COMPANY.
- EXT.P3:- COPY OF THE FIR PREPARED BY THE 4TH RESPONDENT.
- EXT.P3(a):- COPY OF THE SEIZURE MAHAZAR PREPARED BY THE 4TH RESPONDENT.
- EXT.P4:- COPY OF THE ORDER PASSED BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KODUNGALLUR IN C.M.P. NO.7936/06 IN CRIME 603/2006 OF THE KODUNGALLUR POLICE.
- EXT.P5:- COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT.
- EXT.P6:- COPY OF THE MAHAZAR PREPARED BY THE 3RD RESPONDENT.
- EXT.P7:- COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT.
- EXT.P8:- COPY OF THE HEARING NOTICE ISSUED BY THE UNDER SECRETARY TO DEPUTY SECRETARY (FOOD AND CIVIL SUPPLIES) DEPARTMENT.
- EXT.P9:- COPY OF THE PROCEEDINGS OF THE 5TH RESPONDENT.
- EXT.P10:- COPY OF THE INFORMATION ALONG WITH LETTER DTD. 28.1.13 ISSUED BY THE AREA MANAGER, FOOD CORPORATION OF INDIA, DISTRICT OFFICE, MULAKKUNNATHUKAVU, THRISSUR.
- EXT.P11:- COPY OF THE RELEASE ORDER DTD. 27.2.06.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

ds

K. VINOD CHANDRAN, J.

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Dated this the 17th day of July, 2015

J U D G M E N T

The challenge raised in the above writ petition is against Ext.P9. The merits need not be gone into at this stage, since the petitioner had specifically raised a contention that he was not heard by the authority who passed the order. The counter affidavit of the 5th respondent lends credence to the said averment of the petitioner. Paragraph 9 of the counter affidavit is extracted hereunder:-

9. As authorised by the Secretary, the Deputy Secretary heard the counsel for the petitioner on 14.03.2008. Based on the hearing notes submitted by the Deputy Secretary, Secretary, Food, Civil Supplies and Consumer Affairs has issued orders.

2. Hence, definitely Ext.P9 will have to be set aside and the same remanded for fresh consideration. I do so. The petitioner shall appear before the office of the 5th respondent on

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29.07.2015. The office of the 5th respondent shall give a date of hearing and afford an opportunity of hearing and then consider the matter afresh untrammelled by any observations in Ext.P9. The petitioner would also be entitled to produce any documents on his appearance before the office of the 5th respondent. The matter shall be considered finally within a period of three months from the date of hearing.

The writ petition is disposed of.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

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// true copy //

P.A to Judge.