

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.16385 of 2015

Sri Bannariamman Modern Rice Mill,
Rep. by its Lease Holder,
O.P. Mariappan, S/o.Palaniappan
Palanigoundenpalayam,
Karattupalayam Post,
Gobichettipalayam Taluk,
Erode District.

... Petitioner

Vs.

1. The Managing Director,
Tamilnadu Civil Supplies Corporation,
Tambusamy Street, Kilpauk, Chennai-10.
2. The Regional Manager,
Tamilnadu Civil Supplies Corporation, Erode.
3. The District Revenue Officer,
Erode, Erode District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to dispose the Statuary Appeal filed by the petitioner on 30.07.2013 within a stipulated time.

For Petitioner : Mr.C.Prakasam
For RR-1 and 2 : Mr.L.P.Shanmuga Sundaram,
Special Government Pleader
For R-3 : Ms.T.P.Savitha,
Government Advocate

WEB COPY
O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner claims that he has taken on lease Sri Bannariamman Modern Rice Mill at Palanigoundenpalayam, Karattupalayam Post, Gobichettipalayam Taluk, Erode District and he was running the said Rice Mill for the past two years and he was also appointed as Hulling Agent by the Tamil Nadu Civil Supplies Corporation and according to him, he has no adverse inference.

The petitioner would further state that on 16.02.2011, the officials of Vigilance Department of the Tamil Nadu Civil Supplies Corporation inspected the Rice Mill and verified the stock and without making any proper verification and doing test in a scientific manner, they came to conclusion that out of 666 bags of rice in the said Rice Mill 19.4% of rice meant for distribution through public distribution system, subsequently, Section 6-A enquiry under the Essential Commodities Act was also conducted. Thereafter, the second respondent had issued a show cause notice seeking his explanation as to why the hulling agent granted to the petitioner should not be cancelled. The petitioner has submitted his response and ultimately, the second respondent passed an order on 25.03.2011 cancelling the hulling agent license and also brought the Rice Mill under black list. The petitioner made a challenge to the writ petition which was allowed and on writ appeal by the official respondent, the order passed in the writ petition was set aside by granting liberty to the concerned authority to approach the Appellate Authority and accordingly, the petitioner had preferred a statutory appeal before the first respondent and since the first respondent has not disposed of the said appeal, the petitioner came forward to file this writ petition.

3. The Court heard the submissions of Mr.C.Prakasam, learned counsel appearing for the petitioner Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader, who accepts notice on behalf of respondents 1 and 2 and Ms.T.P.Savitha, learned Government Advocate, who accepts notice on behalf of the third respondent.

4. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the appeal projected by the petitioner, directs the first respondent to dispose of the statutory appeal dated 30.07.2013 preferred by the petitioner, in accordance with law, within a further period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Managing Director,
Tamilnadu Civil Supplies Corporation,
Tambusamy Street, Kilpauk, Chennai-10.

2. The Regional Manager,
Tamilnadu Civil Supplies Corporation, Erode.

3. The District Revenue Officer,
Erode, Erode District.

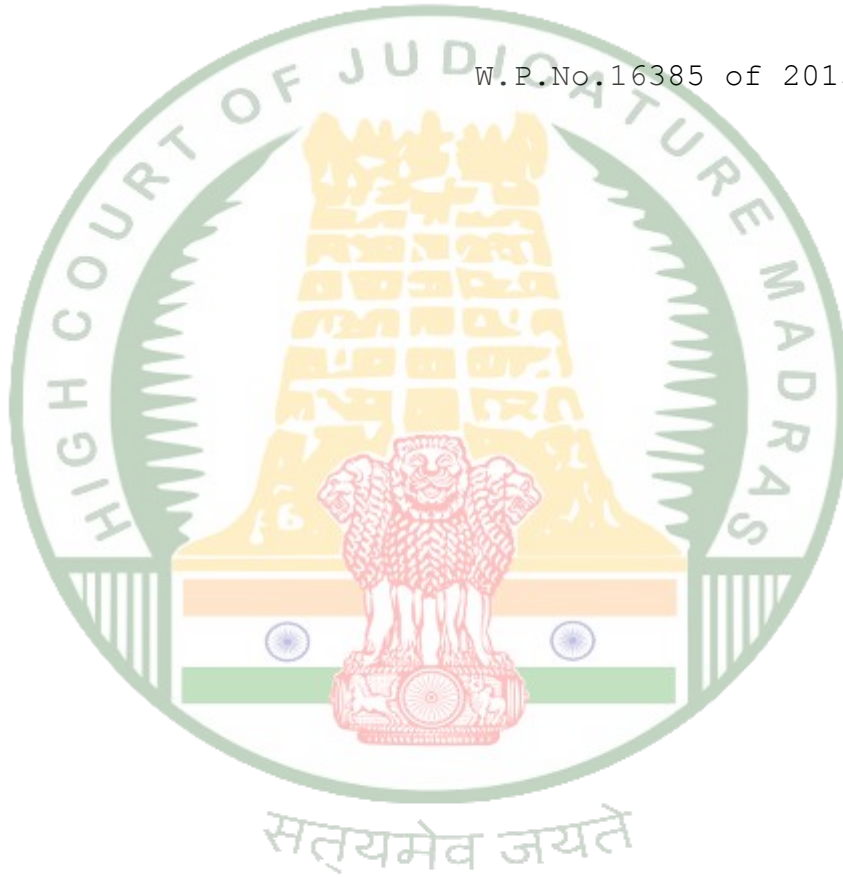
+1 cc to Mr.L.P.Shanmuga Sundaram, Advocate,SR.28871

+1 cc to Mr.C.Prakasam, Advocate,SR.28315

+1 cc to Government Pleader,SR.28278.

Rj (co)
krd 23/6

W.P.No.16385 of 2015



WEB COPY