

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.21993 of 2015

and

M.P.Nos.1 to 3 of 2015

P.K.Sampathkumar

.. Petitioner

vs

The Regional Manager
Tamil Nadu Civil Supplies Corporation
Erode Region, Erode.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the entire records relating to the impugned order passed by the respondent in his proceedings in Na.Ka.No.1115/2015/P.S.2 dated 13.7.2015, and quashing the same and consequently, directing the respondent to supply paddy to the petitioner's rice mill viz. Sri Masaniamman Modern Rice Mill, No.187, Vavikadai, K.S.Palayam Post, Perundurai, Erode District for hulling purpose.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.L.P.Shanmugasundaram
Special Government Pleader

ORDER

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

2.The petitioner, who is a hulling agent, aggrieved by the order of temporary suspension, alleging some irregularities, came forward to file this writ petition stating that in utter violation of principles of natural justice, the impugned order came to be passed.

3.Mr.C.Prakasam, learned Counsel appearing for the petitioner, has drawn the attention of this Court to the impugned order and would submit that the order of temporary suspension visits the petitioner with civil consequences and admittedly, the petitioner has not been put on notice and hence, prays for quashment of the order.

4.Per contra, Mr.L.P.Shanmugasundaram, learned Special Government Pleader, who accepted notice on behalf of the respondent, would contend that the petitioner is having an effective alternate

remedy before the Managing Director of the Tamil Nadu Civil Supplies Corporation, Chennai and in the light of the grave irregularities noted, the order of temporary suspension came to be passed rightly and prays for dismissal of this writ petition.

5.This Court has carefully considered the rival submissions and also perused the materials placed before it.

6.A perusal of the impugned order styled as an order of interim suspension, would disclose that with regard to the registration of the case in Crime No.87 of 2015 by the Inspector of Police, Civil Supplies CID, Villupuram, the petitioner is not an accused. As pointed out earlier, the order of suspension visits the petitioner with civil consequences and in all fairness, he should have been put on notice. However, in the light of the submission made by the learned Special Government Pleader, appearing for the respondent, that the petitioner is having an effective alternate remedy, this Court permits the petitioner to file an appeal to the Managing Director of Tamil Nadu Civil Supplies Corporation, Kilpauk, Chennai 10, within a period of two weeks from the date of receipt of a copy of this order, and on doing so, the said Official can entertain the appeal, if the papers are otherwise in order, and dispose of the same in accordance with law, within a period of two weeks thereafter, and till then, the impugned order shall be kept in abeyance. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

nsv

To:

The Regional Manager
Tamil Nadu Civil Supplies Corporation
Erode Region, Erode.

+1 cc to Mr.L.P.Shanmugasundaram, sr.37332
+1 cc to Mr.C.Prakasam, Advocate, sr.37504.

W.P.No.21993 of 2015

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