

In the High Court of Judicature at Madras

Dated : 24.11.2015

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.37289 of 2015

Mrs.Rajam, proprietrix, Sri Senthil
Agro Products, Virudhunagar-626 001.

...Petitioner

Vs

- 1.The Secretary to Government,
Department of Agriculture,
Government of Tamil Nadu,
Fort.St.George, Chennai.
- 2.The Director of Agriculture,
Ezhilagam Buildings,Chepauk, Chennai-5.
- 3.The Joint Director of Agriculture,
Krishnagiri District.
- 4.The Assistant Director of Agriculture,
Krishnagiri Block, Krishnagiri District.
- 5.The Assistant Director of Agriculture,
Kaveripattinam Block, Krishnagiri
District.
- 6.The Assistant Director of Agriculture,
Bargur Block, Krishnagiri District.
- 7.The Assistant Director of Agriculture,
Veppannapalli Block, Krishnagiri Dist.
- 8.The Assistant Director of Agriculture,
Mathur Block, Krishnagiri District.
- 9.The Assistant Director of Agriculture,
Uthangarai Block, Krishnagiri District.
- 10.The Assistant Director of Agriculture,
Soolagiri Block, Krishnagiri District.

- 11.The Assistant Director of Agriculture,
Hosur Block, Krishnagiri District.
- 12.The Assistant Director of Agriculture,
Thuli Block, Krishnagiri District.
- 13.The Assistant Director of Agriculture,
Kelamangalam Block, Krishnagiri District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the third respondent dated 28.8.2015, quash the same and direct the respondents to pay the amount as agreed in the order of indent issued by them for supply of inputs for red gram per hectare at the rate of Rs.6,551/- under the red gram transplantation demonstration scheme.

For Petitioner : Mr.K.Sukumaran
For Respondents : Mr.S.Pattabiraman, GA

ORDER

Mr.S.Pattabiraman, learned Government Advocate takes notice for the respondents. Heard the learned counsel for the petitioner. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner is a proprietorship concern, which is engaged in the supply of products to the Government under the red gram scheme. The products consist of various items, which are inputs to be used in the red gram scheme. Quotations were invited by respondents 2 to 13 and the petitioner was one of the successful bidders for the supply order. The petitioner has been given supply orders by respondents 4 to 13 on various dates for the supply of inputs under the red gram scheme.

3. The copies of such supply orders have been filed in the typed set of papers. On a perusal of the same, it is seen that the total amount payable per hectare is Rs.6,551/-. After receipt of the supply orders, the petitioner is said to have effected supplies and now entitled for being paid as agreed to in the supply orders. However, by the impugned order, the third respondent withheld the payment and also proposed to recover payments effected to the petitioner alleging that the rate fixed at the time of issuance of the supply orders is far in excess of the market rate.

4. The petitioner challenges the impugned order on the sole ground that the impugned order has been passed without notice to the petitioner and without conducting any enquiry. Furthermore, by referring to an undertaking given by the manager of the petitioner concern, the third respondent could not have reduced the rates unilaterally and the so called undertaking is not valid, since the petitioner being the sole proprietor of the concern.

5. On a perusal of the impugned proceedings, it is prima facie clear that the petitioner was not afforded an opportunity except that the petitioner sent a legal notice to the third respondent, for which, a reply has been sent. In the legal notice, the petitioner made a claim for payment of Rs.39,04,381/-. Thereafter, no proceedings appear to have been initiated by the third respondent by way of issuance of a show cause notice proposing to reduce the rate already fixed while issuing the supply orders. There is a violation of the principles of natural justice. However, on this ground, this Court is not inclined to quash the impugned proceedings.

6. Accordingly, the writ petition is disposed of with a direction to the petitioner to treat the impugned order as the show cause notice. The petitioner is permitted to submit her objections within a period of three weeks from the date of receipt of a copy of this order along with supportive documents and raise all pleas in the said objections. On receipt of the objections from the petitioner, the third respondent shall afford an opportunity of personal hearing to the petitioner and after considering the objections, the third respondent shall take a cautious decision in this matter on merits and in accordance with law, within a period of three weeks from the date on which, the personal hearing is conducted. No costs.

Sd/
ASSISTANT REGISTRAR (CS-V)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

RS

To

1.The Secretary to Government of Tamil Nadu,
Department of Agriculture,
Fort.St.George, Chennai.

2.The Director of Agriculture,
Ezhilagam Buildings, Chepauk, Chennai-5.

3.The Joint Director of Agriculture,
Krishnagiri District.

4.The Assistant Director of Agriculture,
Krishnagiri Block, Krishnagiri District.

5.The Assistant Director of Agriculture,
Kaveripattinam Block, Krishnagiri District.

6.The Assistant Director of Agriculture,
Burgur Block, Krishnagiri District.

7.The Assistant Director of Agriculture,
Veppanapalli Block, Krishnagiri Dist.

8.The Assistant Director of Agriculture,
Mathur Block, Krishnagiri District.

9.The Assistant Director of Agriculture,
Uthangarai Block, Krishnagiri District.

10.The Assistant Director of Agriculture,
Soolagiri Block, Krishnagiri District.

11.The Assistant Director of Agriculture,
Hosur Block, Krishnagiri District.

12.The Assistant Director of Agriculture,
Thuli Block, Krishnagiri District.

13.The Assistant Director of Agriculture,
Kelamangalam Block, Krishnagiri District.

+1 CC to MR.K.Sukumaran Advocate. SR.NO. 63731

+1 CC to Govt.Pleader. SR.NO. 6750

WEB COPY

WP.No.37289 of 2015

CO-SV

JD 11/12/2015