

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.11821 OF 2016
AND WMP NOS.10203 AND 10204 OF 2016

Mahalir Self Help Group (AP111)
Rep by turn in - charge
Mrs.J.Poongothai
Mettu Street, Avadayarpatu,
Vikravandi, Villupuram District. .. Petitioner

Versus

- 1.The District Collector
Villupuram District
Villupuram.
- 2.The Joint Registrar (Co-operative Societies)
Villupuram.
- 3.The Deputy Registrar
(Public Distribution System)
Villupuram.
- 4.Taluk Supply Officer
Vikravandi,
Villupuram District.
- 5.Primary Agriculture Co-operative Loan Society Ltd.,
Vikravandi,
Villupuram District. .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for the records relating to the first respondent in his proceedings in Na.Ka.K3/8616/2015 dated 28.02.2016 and quash the same as exfacie void, illegal, and erroneous.

For Petitioner : Mr.A.Arumugam

For Respondents : Ms.T.P.Savitha
1 and 4 Government Advocate

For Respondents : Mr.L.P.Shanmughasundaram
2, 3 and 5 Special Government Pleader

O R D E R

Heard Mr.A.Arumugam, learned counsel appearing for the petitioner and Ms.T.P.Savitha, learned Government for the respondents 1 and 4 and Mr.L.P.Shanmughasundaram, learned Special Government Pleader, who accepts notice for the respondents 2, 3 and 5.

2.By consent, the writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner is a Women Self Help Group which had been granted permission to establish a Fair Price Shop. According to the petitioner, they have been carrying on the activities strictly in accordance with law and there is no illegality committed by them. However, all of a sudden, the impugned order has been passed on 28.02.2016 by the first respondent, which is a Sunday and despatched by the first respondent on 21.03.2016, that too, without affording any opportunity to the petitioner and without issuing any show cause notice or calling for explanation. Further, the impugned order refers to an inspection on 09.04.2015 and the petitioner's case is that there is no record of such inspection. Furthermore, on account of the impugned order, the persons, whose ration cards are attached to the petitioner's fair price shop numbering about 577 would be affected. Even out of 577 card holders, the benefits under Government Social Scheme were made available only to 532 card holders.

4.From the facts placed before this Court and on perusal of the documents in the typed set of papers, it is seen that the impugned order appears to be a knee jerk action and the basis of such action is not clearly evident. Even assuming that there was an inspection on 09.04.2015, it is not known as to why action has been initiated almost after one year, that too, by passing an order on a Sunday. Further, the endorsement in the postal cover, in which the impugned order was despatched to the petitioner, shows that the impugned order was despatched almost one month from the date of the said order.

5.All these facts and circumstances would clearly show that there is a serious violation of principles of natural

justice. Hence, the petitioner is entitled to succeed in this writ petition. Accordingly, the writ petition is allowed and the impugned order is quashed. Liberty is given to the respondents to initiate fresh action, after issuing show cause notice and after affording fair and reasonable opportunity to the petitioner to put forth their submission. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

TK

To

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Vikravandi,
Villupuram District.
- 5.Primary Agriculture Co-operative Loan Society Ltd.,
Vikravandi,
Villupuram District.

- 1 cc to Mr.A. Arumugam, Advocate, Sr. 19660
1 cc to Mr.L.P. Shanmugasundaram, Advocate, Sr. 19963
1 cc to Government Pleader, Sr. 20195

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BVR (CO)
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