

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14144 of 2016

Vellaimuthu Udaiyar

... Petitioner

vs.

The Director

Civil Supply and Consumer Affairs Department,
Government of Puducherry,
Puducherry.

.... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondent to consider the representation dated 09.12.2015 requesting the respondent to deliver the balance quantity of rice of 19,304 kg.

For Petitioner : Mr.S.Sethuraman

For Respondent : Mrs.D.Reena Iswariya, AGP (Pondy)

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondent to consider his representation dated 09.12.2015 requesting to deliver the balance quantity of rice of 19,304 kg.

2. The case of the petitioner is that he is doing the business of selling rice and other essential commodities under the name and style of M/s.Siva Shakthi Murugan Traders. While so, on 05.12.2014, the respondent conducted an auction for sale of the rice, which was confiscated by the department. In the said auction, the petitioner participated and was declared as successful bidder for 24,250 kgs of rice. Apart from that, he was the successful bidder of 'A' grade rice with the quantity of 22,177 kgs at the rate of Rs.18/- per kg. Accordingly, he paid a sum of Rs.3,99,186/- immediately. Out of the aforesaid quantity, he has received only 17,110 kgs of rice and is yet to receive the balance quantity of 5,475 kgs of rice. Thereafter, he has also participated in the auction conducted on 29.10.2015 and was declared as the successful bidder in the tender for 67,733 kgs of rice at the rate of Rs.5.10 per kg and accordingly, he paid a sum of Rs.3,45,438/-.

Out of the aforesaid quantity, only 54,875 kgs of rice has been lifted and the balance quantity of 13,829 kg (12,858kg + 971 kg weight of empty Gunny bags) is yet to be lifted. While so, the respondent issued an order dated 27.11.2015 permitting the petitioner to lift 1250 bags of rice from the Central Warehousing Godown. Hence, the petitioner made a representation dated 09.12.2015 to the respondent requesting to deliver the remaining quantity of 19,304 kg of 'A' grade rice i.e., 5475 kg of rice pertaining to tender dated 05.12.2014 and 13,829 kg of rice pertaining to tender dated 29.10.2015. However, till date, no order has been passed by the respondent. Therefore, the petitioner has filed the present petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader (Pondy), who took notice for the respondent.

4. Considering the limited nature of the relief sought for in this writ petition, without expressing any opinion with regard to the merits of the claim projected by the petitioner, this Court directs the respondent to consider the representation of the petitioner dated 09.12.2015, by affording an opportunity of personal hearing to the petitioner and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.
rk

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

The Director
Civil Supply and Consumer Affairs Department,
Government of Puducherry,
Puducherry.

+ 1 cc to Mr.S.Sethuraman, Advocate SR 24336

+ 1 cc to Govt.Pleader SR 24121

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