

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.1488 of 2016

K. Kathirvel
Petitioner

...

Vs.

1. The Managing Director,
Tamilnadu Civil Supplies Corporation Ltd.,
Tambusamy Street, Kilpauk,
Chennai-10.
2. The Regional Manager,
Tamilnadu Civil Supplies Corporation Ltd.,
Manickampalayam Housing Unit,
Erode - 11.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus callign for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Sae.Mu.Aanai.No.MP2/6955/2015 dated 20.10.2015 and quash the same and consequently direct the 2nd respondent to supply paddy to the petitioner's rice mill viz., Annapoorani Modern Rice at Anjurampalayam, Attavanai Anumanpalli Post, Arachalur via, Erode Taluk and Distrcit.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr. L.P. Shanmugasundaram,
Special Govt. Pleader.

सत्यमेव जयते

ORDER

The petitioner has come forward with this present Writ Petition challenging the impugned order passed by the 1st respondent dated 20.10.2015 and consequently direct the 2nd respondent to supply paddy to the petitioner's rice mill viz., Annapoorani Modern Rice at Anjurampalayam, Attavanai Anumanpalli Post, Arachalur via, Erode Taluk and Distrcit.

2. According to the petitioner, the petitioner is the owner of modern rice mill running under the name and style of Annapoorani Modern Rice at Anjurampalayam for the past several years and was appointed as hulling agent by the respondents.

3. On 24.8.2014, the Civil Supplies CID Police seized one Omni Van belonging to one Valarmathi, while the husband of said Valarmathi was transporting 14 bags of rice and based on the confession statement given by the husband of said Valarmathi, the respondent officials inspected the petitioner's rice mill and in consequence of which, they issued a show cause notice to show cause as to why the petitioner's rice mill should not be black listed by cancelling the hulling agency. In response to the show cause notice, the petitioner submitted a detailed explanation. But the same was not considered by the respondents.

4. In the meantime, the District Revenue Officer conducted enquiry under section 6-A of Essential Commodities Act in respect of seizure of rice bags, wherein, the District Revenue Officer passed orders on 24.8.2014 relieving the petitioner from the case by observing that the petitioner is no way connected with the 14 bags of rice seized from the Omni Van. Thereafter, he approached the 2nd respondent and requested for supply of paddy to his rice mill and on receipt of the same, the 2nd respondent also communicated the 1st respondent on 16.2.2015, recommending for supply of paddy to the petitioner. But till date, the 1st respondent has not passed any orders for supply of paddy.

5. Though the petitioner is not involved in any offence under the provisions of Essential Commodities Act and exonerated from all the allegations, the respondent authorities are refusing to supply paddy to petitioner's rice mill. Hence he was forced to close his rice mill, in consequence of which, all the employees have lost their jobs and the petitioner was also forced to pay huge amount to bank by way of interest. Therefore, the petitioner preferred W.P.No.14917 of 2015 for a direction upon the 1st respondent to pass orders for supply of paddy to petitioner's rice mill on the basis of communication of the 2nd respondent in Na.Ka.No.27865/2013/P.S.No.2, dated 16.2.2015, wherein, this Court has directed the 1st respondent to pass appropriate orders by taking into consideration the communication of the 2nd respondent dated 16.2.2015 within six weeks.

6. When the petitioner approached the 1st respondent along with the order passed by this Court in W.P.No.14917 of 2015 and requested to pass orders considering the 2nd respondent's communication, the 1st respondent, without considering order of this Court as well as the communication of the 2nd respondent passed the impugned order in his proceedings No.Sae.Mu.Aanai.No.MP2/6955/2015 dated 20.10.2015 rejecting the petitioner's request by stating that a charge sheet has been laid in criminal case in C.C.No.87 of 2015 as against the

petitioner herein and the same is pending on the file of Judicial Magistrate III, Erode and thus informed the petitioner that pending criminal case, supply of paddy has been temporarily stopped to the petitioner. Aggrieved against the impugned order passed by the 1st respondent, the petitioner is before this court with the present writ petition.

7. Learned counsel for the petitioner submitted that the 2nd respondent has made a specific recommendation on 16.2.2015 to the 1st respondent for supply of paddy, but without considering the said recommendation, the impugned order has been passed. He further submitted that it is incorrect to say charge sheet has been filed in respect of Crime No.253 of 2015 as against this petitioner. Till date, no charge sheet has been laid as against the petitioner.

8. Heard the submissions of learned counsel appearing for petitioner and the learned Special Government Pleader appearing for respondents.

9. Irrespective of submissions made on either side, from the materials available on record, this Court finds that the only grievance of the petitioner is that the 1st respondent, while passing orders, has not taken into consideration the recommendation of the 2nd respondent. Therefore, by setting aside the impugned order dated 20.10.2015, the matter is remanded back to the 1st respondent and the 1st respondent is directed to pass appropriate orders on merits and in accordance with law after taking note of the communication passed by the 2nd respondent on 16.2.2015 and after affording an opportunity of personal hearing to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

10. With the above direction, this Writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

msr

To

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

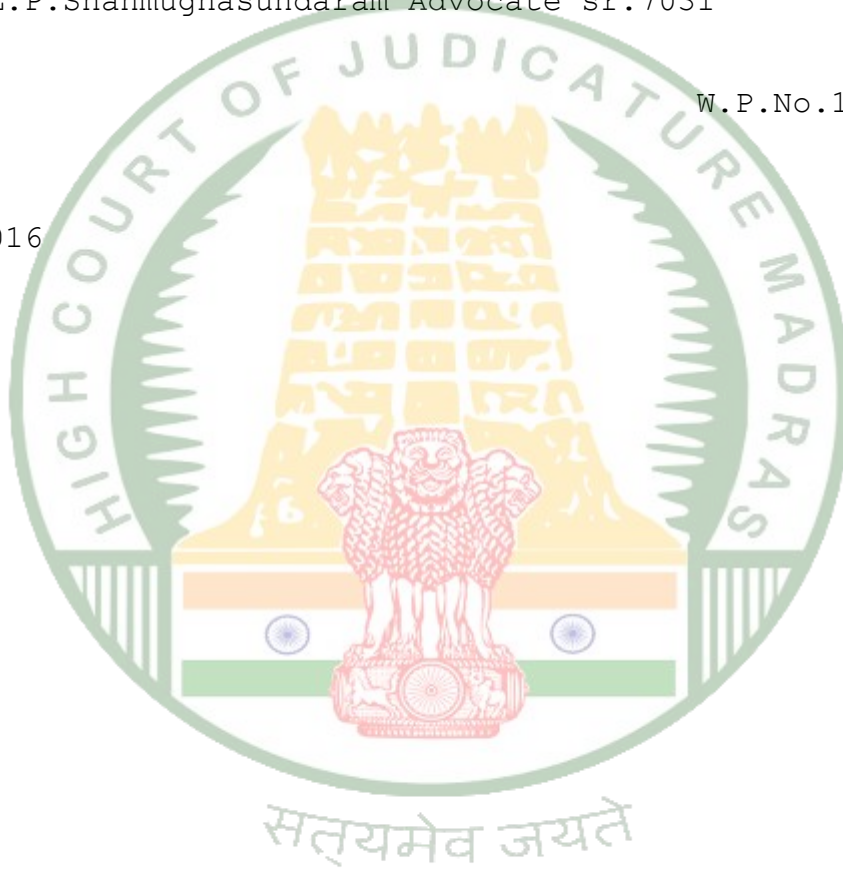
2. The Regional Manager,
Tamilnadu Civil Supplies Corporation Ltd.,
Manickampalayam Housing Unit,
Erode - 11.

+1 cc to C.Prakasam Advocate sr.7206

+1 cc to L.P.Shanmughasundaram Advocate sr.7031

W.P.No.1488 of 2016

vs (co)
aa16/02/2016



WEB COPY