

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 15.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20138 of 2016

Pitchaimuthu

... Petitioner

Versus

1. The District Collector
Erode District, Erode.
2. The District Revenue Officer
Collectorate Officer, Erode-11.
3. The District Food Supply Office
Consumer Protection Officer
Collectorate Officer, Erode-11.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents herein to consider the petitioner's representation dated 06.05.2016 and pass suitable orders within a time limit to be fixed by this Court.

For Petitioner : Mr.S.Gunalan

For Respondents : Mr.S.Navaneethan,
Additional Government Pleader

ORDER

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

2. The petitioner claims that he is running a Micro Flour Mill in the name and style of "Pongaliamman Cooly Aravai Flour Mill", at Salaipudur, Kodumudi Taluk, Erode District. The said Flour Mill is operated with grinding machines of 15 to 20 horse power range. The petitioner provides services to the customers located in and around the said locality by grinding spices likes chilli, turmeric, coriander etc., as well as free rice provided to the customers through the Tamil Nadu Civil Supplies Corporation. The grievance expressed by the petitioner is that the Food Cell CID Department, Erode, is repeatedly harassing the petitioner on the ground that he is

unauthorisedly/illegally grinding the Public Distribution System Rice [PDS rice] and therefore, his business is getting affected. In this regard, the petitioner has submitted a representation dated 06.05.2016 to the 1st respondent praying for appropriate relief and since no orders have been passed, he is constrained to approach this Court by filing the present writ petition.

3. The learned counsel for the petitioner would submit that in similar facts and circumstances, one Mr.M.Thangavel has filed a writ petition before this Court in WP.No.27497/2015, praying for appropriate direction, directing the respondents therein to pass orders on his representation and this Court, vide order dated 02.09.2015, has directed the District Collector, Erode, to dispose of the said representation, based on which, the 1st respondent has indicated that there is no bar for the concerned person to grind the rice allotted to the said Mill and prays for similar orders.

4. Per contra, Mr.S.Navaneethan, learned Additional Government Pleader who accepts notice on behalf of the respondents, would submit that the supply of rice through Public Distribution System, is being misused and it is diverted and the said rice is being grinded as rice flour and transported to neighbouring States and the grievance expressed by the petitioner would be addressed to the 1st respondent.

5. This Court considered the rival submissions.

6. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioner's representation dated 06.05.2016 on merits and in accordance with law, after putting on notice the 3rd respondent as well as the Food Cell CID, Erode Detachment and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 3rd respondent herein and the Food Cell CID, Erode Detachment.

7. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector
Erode District, Erode.
2. The District Revenue Officer
Collectorate Officer, Erode-11.
3. The District Food Supply Office
Consumer Protection Officer
Collectorate Officer, Erode-11.

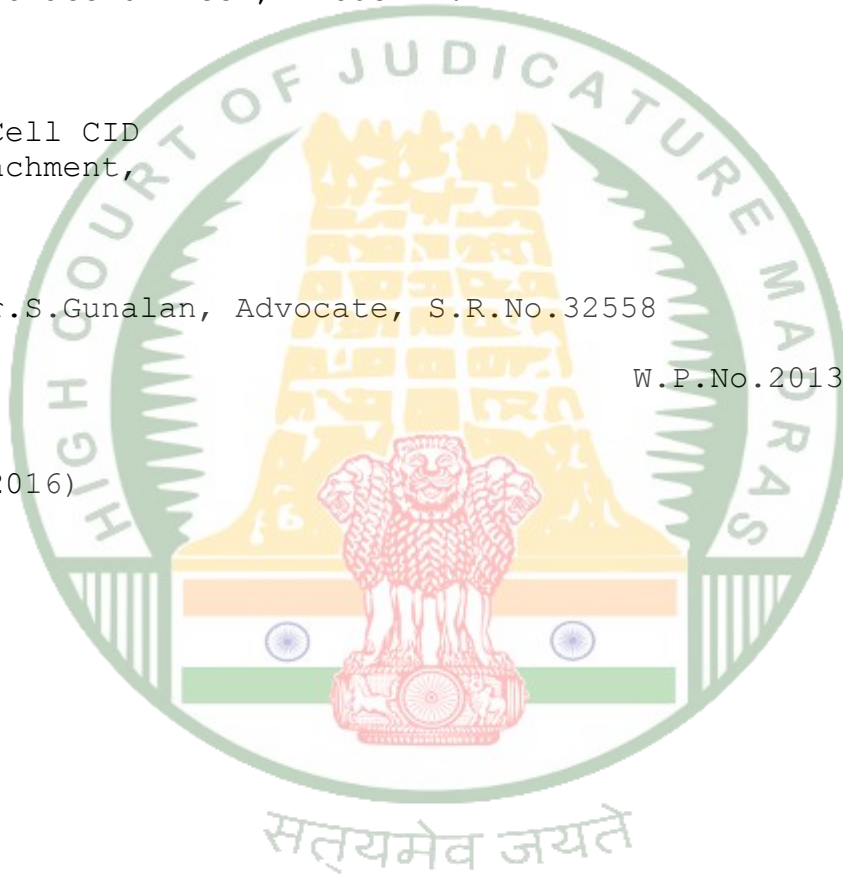
Copy To

The Food Cell CID
Erode Detachment,
Erode.

+1cc to Mr.S.Gunalan, Advocate, S.R.No.32558

W.P.No.20138 of 2016

NRJK (CO)
CA(28/06/2016)



WEB COPY