

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.8393 of 2016

N.G.Deivasigamani

.. Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Kilpauk, Chennai-600 010.

2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Erode Region, Erode.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to dispose of the statutory appeal filed by the petitioner on 16.02.2016, within a stipulated time as this Court may fix.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmughasundaram

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent to dispose of the statutory appeal filed by the petitioner on 16.02.2016, within a stipulated time as this Court may fix.

2. It is the case of the petitioner that he is owning and running a modern rice mill called as Bagyam Rice Mill for several years and was appointed as hulling agent by the Tamil Nadu Civil Supplies Corporation (TNCSC) and acting as such for several years without any remarks in respect of the supply of rice to TNCSC. It is stated by the petitioner that as per the procedure adopted by the TNCSC, supply of paddy to the rice mills for hulling purpose, is only on the basis of the deposit made by the rice mill owners/hulling agents in favour of the TNCSC. In this regard, it is the case of the petitioner that he has deposited Rs.1 lakh as cash with the second respondent and also gave Bank Guarantee to the tune of Rs.8 lakhs in favour of the respondent(s) and hence, the TNCSC is supplying the paddy

for hulling purpose to the extent of Rs.9 lakhs. Based on the said process, the petitioner has to tender 68% of rice to the TNCSC, for which, the TNCSC disburses the charges to the petitioner.

3. It is the further case of the petitioner that in the course of the said hulling process, on 09.07.2015, the Inspector of Police, Civil Supplies CID, Villupuram, seized a van bearing Reg.No.TN-37-AD-5688 in School Street, Omappair, near Tindivanam, for the alleged offence that five persons loaded 43 bags of rice, each 50 Kg in the said van, which was informed by the Police to the CS-CID, Erode, who sent a report to the second respondent stating that those five persons gave confession statements that they loaded the said rice bags to hand over the same to one Sampathkumar. Hence, the respondents ordered for 100% verification of the petitioner's rice mill in respect of paddy, based on which they found that the paddy/rice are intact, excepting for shortage of 1770 Kgs. of rice, which was due to spillage and handling wastage while handling thousands of bags of paddy. Now, it is the grievance of the petitioner that the said 1770 Kgs. of rice shortage is only 1/4 % of the shortage. Without properly conducting enquiry, the second respondent, by proceedings dated 13.07.2015, stopped supply of paddy to the petitioner's rice mill, even though, according to the petitioner, he is no way connected with the seized rice at Villupuram. Hence, earlier, the petitioner filed a Writ Petition in W.P.No.22835 of 2015 before this Court, challenging the said order, dated 13.07.2015 and this Court, on 28.07.2015, directed the petitioner to file appeal before the first respondent and till the disposal of the appeal, this Court directed to keep in abeyance the said order dated 13.07.2015. Subsequent to the said order of this Court in the Writ Petition, the petitioner preferred appeal before the first respondent relating to the order dated 13.07.2015 and pending appeal, the second respondent cancelled the hulling agency pertaining to the petitioner and brought the rice mill of the petitioner in black-list, by subsequent proceedings, dated 05.02.2016, against which, the petitioner again preferred statutory appeal before the first respondent on 16.02.2016, which is still pending, and hence, the petitioner has filed this Writ Petition for the above relief.

4. Heard both sides.

5. Taking into consideration the facts and circumstances of the case and the limited scope of the prayer sought for in this Writ Petition, this Court, without going into the merits of the case, directs the first respondent to consider the statutory appeal filed by the petitioner on 16.02.2016 against the said order dated 05.02.2016 and after conducting enquiry and giving an opportunity of personal hearing to the petitioner and necessary parties, pass appropriate orders and dispose of the

said statutory appeal, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Copy to

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Kilpauk, Chennai-600 010.
2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Erode Region, Erode.

+1cc to M/S.C.Prakasam, Advocate, S.R.No.15117

+1cc to M/S.L.p.Shanmugasundaram, Advocate, S.R.No.14550

W.P.No.8393 of 2016

sns (CO)
srg (17/03/2016)

सत्यमेव जयते

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