

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.9789 of 2016

M.Palaniammal

... Petitioner

Vs.

1.The District Collector
Dharmapuri District,
Dharmapuri.

2.The Deputy Director of Agriculture-cum-Personal
Assistant to District Collector,
(Agriculture), Dharmapuri,
Dharmapuri District.

3.Kalyani

(impleaded as per the order of this court
in WMP.No.9830/16 dated 24.03.2016

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to allot one shop in Uzhavar Sandai in Dharmapuri Town, Dharmapuri District to the petitioner Mandram based on the recommendation of the Joint Director/Project Director, Tamil Nadu State Rural Development Agency, Dharmapuri dated 19.03.2015, by considering the representation dated 25.01.2016 made by the petitioner Mandram.

For Petitioner

For respondents

: Mr.P.Ganesan for C.S.Associates

: Mr.V.Jayaprakash Narayanan,
Spl.GP for R1 and R2.

Mr.R.Prabakar for R3.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come forward with the present Writ Petition seeking for issuance of Mandamus to direct the respondents to allot one shop in Uzhavar Sandai in Dharmapuri Town, Dharmapuri District to the petitioner Mandram based on the

recommendation of the Joint Director/Project Director, Tamil Nadu State Rural Development Agency, Dharmapuri dated 19.03.2015, by considering the representation dated 25.01.2016 made by the petitioner Mandram.

3.The petitioner is the Vice President of "Annai Theresa Magalir Mandram" Dharmapuri, the Government introduced a scheme called Women Self Help Group, in which the women who are getting themselves employed can join as a member and avail loan from the nationalised bank for the purpose of self employment and repay the loan amount derived through the self employment. The petitioner Mandram viz., Annai Theresa Magalir Mandram made a representation to the Joint Director on 22.12.2014 requesting to allot one shop in Uzhavar Sandai, Dharmapuri Town for storing and selling the agricultural products in the said Uzhavar Sandai. The Joint Director/Project Director recommended a letter dated 19.03.2015 to the second respondent. The second respondent also issued a letter on 12.08.2015 calling for the petitioner Mandram and other Mandram to appear on 14.08.2015 to discuss about the allotment of shop. The petitioner participated in the said meeting on 14.08.2015, but no decision was taken with regard to allotment of shop. Thereafter, the petitioner made representation to the first respondent requesting to allot one shop in Uzhavar Sandai.

4.The second respondent in his proceedings dated 02.12.2015 informed the petitioner that he has requested the Director, Agricultural Sales and Marketing to grant permission for allotment, once the permission is granted thereafter the shop will be allotted. Again, the petitioner made representation dated 25.01.2016 to the first respondent, but till date no action was taken. Hence, the petitioner filed the present writ petition before this Court.

5.The learned counsel appearing for the third respondent vehemently opposed the claim made by the petitioner stating that the Uzhavar Sandai is meant only for the farmers who procure agricultural products and no allotment can be made to the Women Self Employment Group or any other Magalir Mandram.

6.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader who accepts notice on behalf of the respondents 1 and 2 and the learned counsel appearing for the third respondent.

7.Considering the submissions made on both sides, this Court is not inclined to give any positive direction. However, considering the factual aspects, this Court directs the petitioner to submit fresh representation to the first respondent. On receipt of the same, the first respondent is directed to consider and pass appropriate orders on merits and

in accordance with law, within a period of twelve weeks, by affording opportunity of personal hearing to the petitioner Mandram as well as to the third respondent and other necessary parties, if any, with regard to allotment of one shop in Uzhavar Sandai based on the eligibility criteria of the petitioner. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner Mandram.

8.The writ petition is disposed of accordingly. No costs.
tsh

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1.The District Collector
Dharmapuri District,
Dharmapuri.

2.The Deputy Director of Agriculture-cum-Personal
Assistant to District Collector,
(Agriculture), Dharmapuri,
Dharmapuri District.

+ 1 cc to M/s.C.S.Associates, Advocate, SR 21585

+ 1 cc to Mr.R.Prabakar, Advocate, SR 22013

+ 1 cc to Govt.Pleader, High Court, Madras SR 21744

svi(co)
prk25/4

W.P.No.9789 of 2016

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