



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.11143 of 2016

and

W.M.P (MD) Nos.8564 and 8565 of 2016

A.Karuppiah

... Petitioner

Vs.

The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Trichy Region,
Trichy.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the respondent by his proceedings in Na.Ka.No. Bs4/1459/14 dated 16.06.2015 and quash the same as illegal consequently direct the respondent to allot paddy pursuant to the order of authorization to act as a Hulling Agent to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For Respondent : Mr.D.Mayarajan

O R D E R

Challenging the order passed by the first respondent cancelling the petitioner's hulling licence and also blacklisting the petitioner, the present writ petition has been filed.

2.Heard Mr.T.Lenin Kumar, learned counsel appearing for the petitioner and Mr.D.Mayarajan, learned counsel for the respondent.

3.According to the petitioner, on 11.06.2015, the Inspector of Police, Civil Supplies, CID, Trichy registered a case against the petitioner in Crime No.227 of 2015 for the offence under clause 6(4) of TNSC (RDCS) Order 1982 read with Section 7(1)(a)(ii) of the Essential Commodities Act, 1955 on the ground that a lorry bearing Registration No.TCK 5434 was found with 100 bags of PDS rice and the driver of the said lorry had confessed that the seized rice was being transported to the petitioner's mill, thereafter, the Police came to his mill and took away 69 bags of rice as well as paddy and sealed the mill premises. Subsequently, the respondent passed the impugned order dated 16.06.2015 without conducting any enquiry and without giving any notice to the petitioner cancelled the hulling licence and blacklisted the petitioner. Challenging the above said order, the present writ petition has been filed.



4.Learned counsel appearing for the petitioner would submit that the petitioner has no way connected with the offence but the respondent passed the impugned order only based on the confession made by the lorry driver. He would further contend that while passing the impugned order, no opportunity has been given to the petitioner.

5.Per contra, learned counsel appearing for the respondent would submit that since the petitioner involved in the illegal activities in selling the resultant rice to the third parties and recycled the PDS rice and supplied to the corporation and therefore, the impugned order came to be passed.

6.A perusal of the impugned order shows that the respondent without conducting any enquiry whatsoever cancelled the petitioner's hulling licence and also blacklisted the petitioner. Therefore, the impugned order has been passed in total violation of principles of natural justice.

7.In the above circumstances, the impugned order is set aside and the matter is remanded back to the respondent. The respondent is directed to pass orders on merits and in accordance with law, after issuing notice to the petitioner and after conducting enquiry, within a period of twelve weeks from the date of receipt of a copy of this order.

8.The writ petition is accordingly allowed. No costs. Consequently, W.M.P (MD) Nos.8564 and 8565 of 2016 are closed.

Sd/-

Assistant Registrar (CS II)

/True Copy/

Sub Assistant Registrar

To

1cc to Mr.T.Lenin Kumar, Advocate in SR No.74645

1cc to Mr.D.Mayarajan, Advocate in SR No.74940

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ANR/GSV-PM/SAR1/05.12.2016/2P/3C