



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P. (MD) No.14714 of 2013

and

M.P. (MD) .No.1 of 2013

Arivoli Magalir Iyakkam,
Rayappanpatti,
Uthamapalayam Taluk,
Theni District,
bearing Regn.No.1.120/97
represented by its President,
K.Athilakshmi.

... Petitioner

Vs.

1. The District Collector,
Theni District.
2. The Joint Registrar of Co-operative Societies,
Theni.
3. The District Supply Officer,
Theni.
4. The Special Officer,
M.D.Thani, 97, Rayappanpatti Primary Agricultural
Co-operative Credit Association,
Rayappanpatti, Uthamapalayam Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents 1 and 2 from closing the fair price shop run by the petitioner Iyakkam and handed over the same to the fourth respondent.

For Petitioner : Mr.R.Gowrishankar

For R1 to R3 : Mr.V.Muruganandam
Additional Govt. Pleader



O R D E R

The petitioner has focused the instant Writ Petition praying for passing of an order by this Court in directing the respondents 1 and 2 from closing the fair price shop run by it and hand over the same to the fourth respondent.

2. Heard both sides.

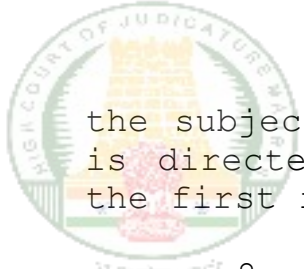
3. By consent, the main Writ Petition itself is taken up for final disposal.

4. According to the petitioner, its fair price shop is registered in R.C.No.22412232000187 under Food Safety and Standard Act, 2006 and the same is renewed periodically. Further, it is learnt that the fourth respondent/Association had passed a resolution dated 25.06.2013, with the bald allegation that public are facing many troubles by the misconduct of fair price shop run by the Women Association at Rayappanpatti (run by the petitioner) Anaimalayanpatti and Anaipatti. Apart from that, they had decided to obtain permission from the respondent Nos.1 and 2 to retake the said fair price shop for the reasons that now the Sangam is growing and that the said shop would increase their income etc.

5. The grievance of the petitioner is that a detailed representation to the respondents 1 to 3 was submitted, but the respondents had remain silent and not acted till date. Hence, the petitioner is constrained to file the present Writ Petition praying for passing of an order by this Court in restraining the respondents 1 and 2 from closing the fair price shop run by the petitioner forum (Iyakkam).

6. The learned Government Advocate appearing for the respondents 1 to 3 fairly submits that the first respondent would consider the representation of the petitioner, dated 26.08.2013, if reasonable time is granted by this Court.

7. In view of the fact that the petitioner's representation dated 26.08.2013 is pending as on date and this Court, at this stage, without expressing any opinion on the merits of the matter, simplicitor, directs the first respondent/District Collector, Theni District to look into the representation of the petitioner dated 26.08.2013 and to dispose of the same by passing a reasoned speaking order in a dispassionate manner, within a period of four weeks from the date of receipt of a copy of this order. The first respondent is directed to provide necessary opportunities to the petitioner/forum, at the time of passing the orders, on the representation of the petitioner. It is open to the petitioner to serve the necessary records/documents before the first respondent and on such production of the said documents/records, the first respondent shall consider the same and pass orders in



the subject matter in issue. In this regard, the petitioner/forum is directed to lend its instinct co-operation and assistance to the first respondent.

8. With the aforesaid observations, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector, Theni District.
2. The Joint Registrar of Co-operative Societies, Theni.
3. The District Supply Officer, Theni.
4. The Special Officer,
M.D.Thani, 97, Rayappanpatti Primary Agricultural
Co-operative Credit Association,
Rayappanpatti, Uthamapalayam Taluk,
Theni District.

+1cc to the Special Government Pleader, Sr.No.27969

akv

JM/AAL-MPA/10.06.2016/3P-6C

W.P. (MD) No.14714 of 2013
03.06.2016