

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.01.2017

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.13592 of 2016
and WMP.Nos.11896 & 11897 of 2016

K.Kathirvel

.. Petitioner

Vs

- 1.The Managing Director,
Tamil nadu Civil Supplies Corporation Ltd.,
Tambusamy Street, Kilpauk,
Chennai 10.
- 2.The Regional Manager,
Tamil nadu Civil Supplies Corporation, Ltd.,
Manickampalayam Housing Unit,
Erode 11.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Sae.Mu.Aanal.No.MP2/6955/2015 dated 31.03.2016 and quash the same consequently directing the 2nd respondent to supply of paddy to the petitioner's rice mill viz., Anna poorani Modern Rice at Anjurampalayam, Attavanai Anumanpalli Post, Arachalur Via, Erode Taluk & District.

For Petitioner

: Mr.C.Prakasam

For R1

: Mr.L.P.Shanmugasundaram
Spl.Govt.Pleader.

O R D E R

This petition has been filed by the petitioner to issue a writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Sae.Mu.Aanal.No.MP2/6955/2015 dated 31.03.2016 and quash the same consequently directing the 2nd respondent to supply of paddy to the petitioner's rice mill viz., Anna poorani Modern Rice at

Anjurampalayam, Attavanai Anumanpalli Post, Arachalur Via, Erode Taluk & District.

2. On 24.08.2014, the Civil Supplies CID Police seized one Omni Van belonging to one Valarmathi, while the husband of of said Valarmathi was transporting 14 bags of rice and based on the confession statement given by the husband of said Valarmathi, the respondent officials inspected the petitioner's rice mill and in consequence of which, they issued a show cause notice to show cause as to why the petitioner's rice mill should not be black listed by cancelling the hulling agency. In response to the show cause notice, the petitioner submitted a detailed explanation. But the same was not considered by the respondent.

3. In the meantime, the District Revenue Officer conducted enquiry under Section 6(A) of Essential Commodities Act in respect of seizure of rice bags, wherein, the District Revenue Officer passed orders on 24.08.2014 relieving the petitioner from the case by observing that the petitioner is no way connected with the 14 bags of rice seized from the Omni Van. Thereafter, he approached the 2nd respondent and requested for supply of paddy to his rice mill and on receipt of the same, the 2nd respondent also communicated the 1st respondent on 16.02.2015, recommending for supply of paddy to the petitioner. But till date, the 1st respondent has not passed any orders for supply of paddy.

4. Though the petitioner is not involved in any offence under the provisions of Essential Commodities Act and exonerated from all the allegations, the respondent authorities are refusing to supply paddy to the petitioner's rice mill. Hence, he was forced to close his rice mill, in consequent of which, all the employees have lost their jobs and the petitioner was also forced to pay huge amount to bank by way of interest. Therefore, the petitioner preferred W.P.No.14917 of 2015 for a direction upon that the 1st respondent to pass orders for supply of paddy to the petitioner's rice mill on the basis of communication of the 2nd respondent in Na.Ka.No.27865/2013/P.S.No.2, dated 16.02.2015, wherein, this court has directed the 1st respondent to pass appropriate orders by taking into consideration the communication of the 2nd respondent dated 16.02.2015 within six weeks.

5. When the petitioner approached the 1st respondent along with the order passed by this Court in W.P.No.14917 of 2015 and requested to pass orders considering the 2nd respondent's communication, the 1st respondent, without considering order of this Court as well as the communication of the 2nd respondent passed the impugned order in his proceedings No.Sae.Mu.Aanai.No.MP2/6955/2015 dated 20.10.2015 rejecting the petitioner's request by stating that a

charge sheet has been laid in Criminal Case in C.C.No.87 of 2015 as against the petitioner herein and the same is pending on the file of Judicial Magistrate No.III, Erode and thus informed the petitioner that pending criminal case, supply of paddy has been temporarily stopped to the petitioner. Aggrieved against the impugned order passed by the 1st respondent, the petitioner is before this court with the present writ petition.

6. Learned counsel for the petitioner submitted that the 2nd respondent has made a specific recommendation on 16.02.2015 to the 1st respondent for supply of paddy, but without considering the said recommendation, the impugned order has been passed.

7. Since a criminal case is pending as against the petitioner, this Court is not inclined to grant the prayer sought for in the writ petition. Since the criminal case is pending from 2015, the trial has already been commenced and 9 witnesses were examined, this Court feels that is suffice to direct the learned Judicial Magistrate No.III, Erode, is directed to dispose of the Criminal Case in C.C.No.87 of 2015. Accordingly, the learned Judicial Magistrate No.III, Erode, is directed to dispose of the Criminal Case in C.C.No.87 of 2015 and pass appropriate orders, on merits and in accordance with law as expeditiously as possible, preferably within a period of four months from the date of receipt of copy of this order.

With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

kkd

Sd/-
Assistant Registrar (CS II)
/TRUE COPY/

सत्यमेव जयते
Sub-Assistant Registrar

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To

1.The Managing Director,
Tamil nadu Civil Supplies Corporation Ltd.,
Tambusamy Street, Kilpauk,
Chennai 10.

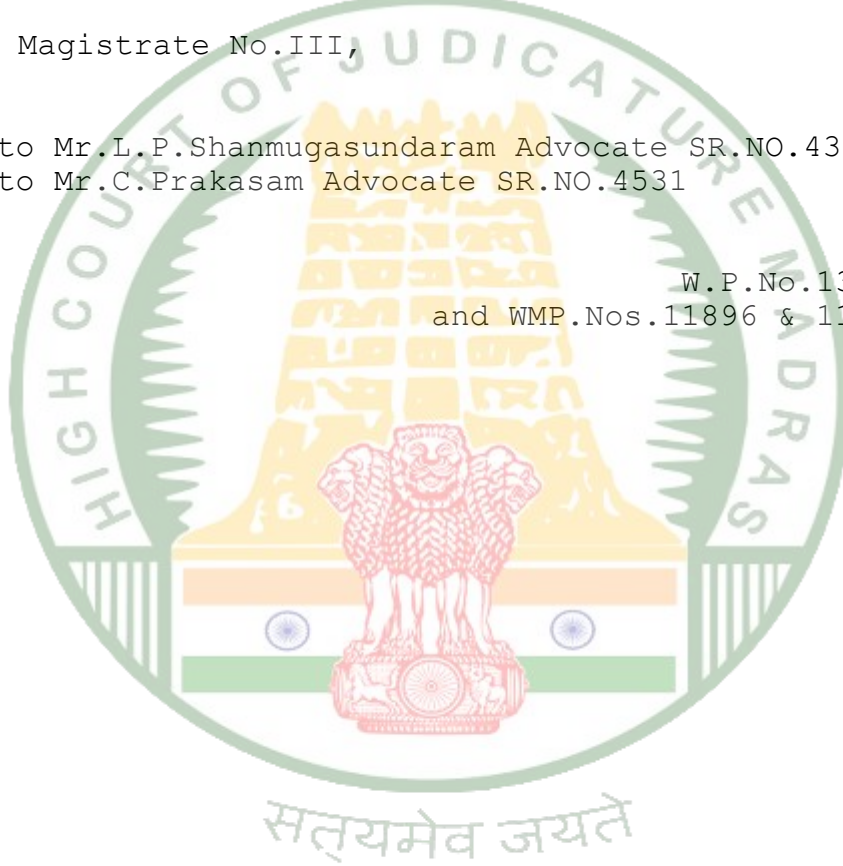
2.The Regional Manager,
Tamil nadu Civil Supplies Corporation, Ltd.,
Manickampalayam Housing Unit, Erode 11.

3.The Judicial Magistrate No.III,
Erode.

+1 CC to Mr.L.P.Shanmugasundaram Advocate SR.NO.4370
+1 CC to Mr.C.Prakasam Advocate SR.NO.4531

W.P.No.13592 of 2016
and WMP.Nos.11896 & 11897 of 2016

RJ[CO]
MK:08/03/2017



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