

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2017

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.28763 of 2004

W.P.M.P No.34937/2004 and WVMP.No.202/2005

Kothai Agencies, rep by its
Partner Mr.S.K.R.Thiyagarajan
Carrying on business on
No.33/18,Bangalore Road,
Krishnagiri Taluk,
Krishnagiri District. ... Petitioner

The District Supply Officer
Krishnagiri
Krishnagiri District ...Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of the Respondent in his proceeding Roc.No.28095/2004(F6) dated 31.08.2004 and quash the same.

For petitioner : Mr.K.Raja

For Respondent : Mrs.K.Bhuvaeshwari,
Government Advocate

ORDER

Challenging the Proceedings in Roc.No.28095/2004(F6) dated 31.08.2004, the present Writ Petition has been filed.

2. The case of the petitioner is that he is a dealer of Indian Oil Corporation Limited and he has been running the dealership since 1969. He has been taking kerosene from the Oil Company which is situated 150 kilometres away from Krishnagiri. While so, on 31.08.2004, the respondent passed an order of suspension of the petitioner's wholesale license for a period of 90 days. The reason for passing the suspension order is that in an earlier occasion, the petitioner filed Contempt Proceedings

in W.P.No.14639/2004 against the Commissioner, Civil Supply & Consumer Protection Department, Chepauk, Chennai, District Collector, Krishnagiri District and the respondent herein for violation of the orders of this Court and a Contempt Notice dated 2.8.2004 was issued to that effect. In order to wreck vengeance, the petitioner's license was suspended as if the petitioner has committed contravention on 20.08.2004. Hence, the present Writ Petition has been filed.

3. Learned Counsel appearing for the petitioner would submit that without going into merits of the cases, this Court, granted an interim order of stay as against the suspension order. Therefore, the learned Counsel would submit that the petitioner may be permitted to participate in the adjudication proceedings conducted under Section 6 of the Essential Commodities Act. Till such time, the petitioner may be permitted to continue the kerosene vending.

4. The learned Government Advocate would submit that this Court granted interim order of stay and by virtue of the said interim order, the petitioner is continuing the kerosene vending business till today. Therefore, this Court may fix outer limit for completing the proceedings under the Essential Commodities Act.

5. Considering the arguments of the learned Counsel for the petitioner as well as the learned Government Advocate for the respondent, this Court is inclined to issue a direction to the respondent to complete the proceedings within a period of six months from the date of receipt of a copy of this order and till such time, the respondent should not take any coercive steps against the petitioner and the interim order shall continue till a decision is taken by the respondent.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are also closed.

सत्यमेव जयते

Sd/- (CS-IV)

Assistant Registrar

True Copy

Sub Assistant Registrar

WEB COPY

To

The District Supply Officer
Krishnagiri
Krishnagiri District.

W.P.No.28763 of 2004

ADD 06.10.2017



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