



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.04.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A.[MD].No.1012 of 2014

Murugesan : Appellant

Vs.

- 1.The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
12, Thambusamy Road, Kilpauk,
Chennai - 10.
- 2.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Thoothukudi.
- 3.The District Collector,
Thoothukudi District,
Thoothukudi.
- 4.The Inspector of Police,
Civil Supplies Crime Investigation Department,
Thoothukudi. : Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 27.06.2014 in W.P.(MD).No.14173 of 2013, on the file of this Court.

Prayer in WP(MD). 14173/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to Writ of Certiorarified Mandmaus by calling fro the entire records pertaining to the impugned orders passed by the 2nd respondent vide his proceedings in Na.Ka.No.B2/1844/12 dated 6.6.2012 and the same was confirmed by the 1st respondent by his proceedings Na.Ka.No.MH5/60868/2012 dated 12.7.2013 and quash the same as illegal, consequently direct the 2nd respondent to allot paddy pursuant to the order of authorization to act as a Hulling Agent pursuant to his proceedings in Na.Ka.NO.B2/01844/2012 dated 24.2.2012.



For Appellants

: Mr.T.Lenin Kumar

For Respondent

: Mr.D.Mayarajan for RR1 and 2
Mr.S.Chandrasekar, G.A. For
RR3 and 4

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JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.T.Lenin Kumar, learned counsel appearing for the appellant and Mr.D.Mayarajan, learned standing counsel appearing for RR1 and 2 and Mr.S.Chandrasekar, learned Government Advocate appearing for RR3 and 4.

2.This appeal is directed against the order dated 26.02.2014 made in W.P.(MD) No.4181 of 2012.

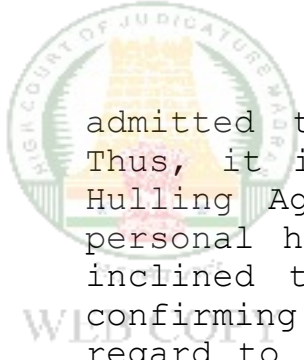
3.In this appeal, the writ petitioner has challenged the order passed in W.P(MD) No.14173 of 2013 dated 27.06.2014. The said writ petition was filed challenging the order passed by the second respondent dated 06.06.2012 and confirmed by the first respondent by order dated 12.07.2013 and quash the same and direct the second respondent to allot paddy, pursuant to the order of authorisation to act as a Hulling Agent passed through his proceedings dated 24.02.2012.

4.The learned Single Judge, after careful consideration of the entire factual position, came to the conclusion that there was no error in the cancellation of the authorisation granted to the petitioner as Hulling Agent on account of the illegality committed by him. We find no error in the said findings recorded by the learned Single Judge.

5.The learned counsel for the appellant pointed out the other relief sought for by the petitioner was challenging the Black Listing of the petitioner permanently from being an Hulling Agent of the respondent Corporation. Though the appellant had submitted his explanation to the show cause notice, no personal hearing was granted. In this regard, it is relevant to mention that in terms of Rule 21 of Tamil Nadu Essential Trade Articles (Regulation) Order 1984, the Commissioner or Collector or the authorized Officer or the licensing authority may cancel, suspend, withdraw authorisation issued under sub-clause(1) of Clause 9 for contravention of the terms and conditions specified therein and no order shall be made under the said clause unless, the dealer has been given an opportunity of being heard against the proposed action.

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6.A communication has been sent by the second respondent to the standing counsel dated 01.09.2014, wherein, it has been



admitted that no opportunity of personal hearing was granted. Thus, it is clear that before the petitioner was blacklisted as Huling Agent of the respondent Corporation, no opportunity of personal hearing was granted. Therefore, to that extent, we are inclined to grant relief to the appellant. Accordingly, while confirming the findings recorded by the learned Single Judge, with regard to the cancellation of the authorisation, we set aside the order of block listing the petitioner as a Contractor and direct the petitioner to submit an explanation, within a period of three weeks from the date of receipt of a copy of this order and on receipt of the same, the competent authority of the respondent Corporation shall afford an opportunity of personal hearing to the petitioner/appellant and pass orders on merits and in accordance with law, within a period of four weeks thereafter. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

- 1.The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
12, Thambusamy Road, Kilpauk,
Chennai - 10.
- 2.The Senior Regional Manager,
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Thoothukudi.
- 3.The District Collector,
Thoothukudi District,
Thoothukudi.
- 4.The Inspector of Police,
Civil Supplies Crime Investigation Department,
Thoothukudi.

+1 CC TO MR.D.MAYARAJAN,ADVOCATE,SR NO.52968

+1 CC TO MR.T.LENIN KUMAR,ADVOCATE,SR NO.52871

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.53096

Arul

MAS/SKN-RSK/SAR2:25.04.2017:3P-8C