



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.03.2017

Coram:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN,

W.P. (MD) No. 4937 of 2017
and W.M.P. (MD)No.3974 of 2017

A.Karuppaiah

...Petitioner

-Vs-

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

2.A.Julia Mary,
Deputy Regional Manager/Enquiry Officer,
Tamil Nadu Civil Supplies Corporation,
Trichy Region,
Trichy.

3.Premalatha,
Deputy Manager (Bills),
Tamil Nadu Civil Supplies Corporation,
Trichy Region,
Tric

...Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India, prayed for issue an order or direction in the nature of 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 17.02.2017 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 Respondents	: Mr.Mayarajan
	Standing Counsel

ORDER

The petitioner has approached this Court seeking quashment of the impugned order passed by the first respondent by his proceedings in Na.Ka.No.BS4/1459/14 dated 17.02.2017 and to direct



the first respondent to allot paddy pursuant to the order of authorization to act as a Hulling Agent to the petitioner.

2. According to the petitioner, he is running a Rice Mill in the name and style of Muniappan Modern Rice Mill at Manapparai. On 11.06.2005, the first respondent granted an authorization to act as a Hulling Agent to the petitioner. According to the petitioner, he is acting as Hulling Agent from the year 2005 without any complaint. On 11.06.2015, a case was registered against the petitioner in Crime No.227 of 2015 in respect of allegations that a lorry was found in possession of 100 bags of rice and the same was transported to the petitioner's Mill. In view of the registration of the criminal case against the petitioner, on 16.06.2015, the first respondent cancelled the authorization and blacklisted the petitioner. According to the petitioner, he was not given any show cause notice. Therefore, the petitioner has approached this Court by filing W.P.(MD)No.11143 of 2016. This Court vide its order dated 30.11.2016, allowed the petition on the limited ground that no notice was given to the petitioner before the impugned order therein was passed. Therefore, this Court remanded the matter back to the 1st respondent for fresh consideration in accordance with law. In pursuant to the order passed by this Court, an enquiry officer was appointed on 12.01.2017 by the first respondent and the petitioner was also directed to appear for enquiry on 25.01.2017 and thereafter the enquiry was conducted, in which the petitioner had participated. From the proceedings, it appears that the petitioner was given opportunity to participate in the enquiry. However, according to the petitioner, the same was not conducted to his satisfaction. In any event, the 1st respondent has passed impugned order on 17.02.2017, cancelling the authorization to act as Hulling Agent and black listed the petitioner. Aggrieved by the impugned order, the petitioner is before this Court.

3. Heard Mr.T.Lenin Kumar, the learned counsel appearing for the petitioner and Mr.Mayarajan, the learned Standing Counsel appearing for the respondents.

4. Mr.T.Lenin Kumar, the learned counsel appearing for the petitioner would strongly contend that no proper opportunity was given to the petitioner while passing the impugned order.

5. However, the contention put forth by the petitioner does not draw support from the proceedings passed by the first respondent on 17.02.2017. The proceedings elaborately dealt with the issues on hand and the submissions of the petitioner. Therefore, the petitioner cannot have any grievance against the order passed by the first respondent. In any event, even assuming that no proper opportunity was given to the petitioner, as per the impugned proceedings the petitioner was directed to file appeal within 30



days. Therefore, the petitioner has effective alternative remedy by way of filing appeal against the impugned proceedings dated 17.02.2017, passed by the first respondent. In the appeal, it is always open to the petitioner to raise all the issues, which according to him vitiated the impugned order passed by the first respondent dated 17.02.2017.

6. In such view of the matter, the present Writ Petition is not maintainable and therefore, it stands disposed of. It is open to the petitioner to file appeal against the impugned order, if he is so advised. Consequently, connected Miscellaneous Petition is closed. There is no order as to costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Trichy Region,
Trichy.
2. The Deputy Regional Manager/Enquiry Officer,
Tamil Nadu Civil Supplies Corporation,
Trichy Region,
Trichy.
3. The Deputy Manager (Bills),
Tamil Nadu Civil Supplies Corporation,
Trichy Region,
Trichy.

+1cc to M/s. T. LENIN KUMAR Advocate in SR. No. 17890

+1cc to M/s. D. MAYARAJAN Advocate in SR. No. 16943

DAS

JS/SV.MMS/SAR.4/17.04.2017/2P-6C

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