

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.12.2018

CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.29325 of 2005

Sri Kamalanayaki & Co,
rep. by its Managing Partner,
Tmt.A.R.Deivanai,
No.430, Bharathiar Road,
Koilpathu, Karaikkal,
Pondicherry State.

....Petitioner

-vs-

1. The Secretary to Government,
Food and Consumer Protection
Department, Fort St.George,
Madras - 9.

2. The District Revenue Officer,
Trichy, Trichy District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari, calling for the entire records relating to the impugned order of G.O.Ms.No.160, Cooperation, Food and Consumer Protection Department, dated 23.08.2005 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondent 1 : Mr.L.P.Shanmugasundaram
Special Government Pleader (Co-Op).

For Respondent 2 : Mrs. T.Girija, Government Advocate

O R D E R

The Government order issued in G.O.Ms.No.160 Cooperation, Food and Consumer Protection Department dated 23.08.2005 is under challenge in the present writ petition.

2. The learned counsel for the writ petitioner states that the writ petitioner is the licensed trader and running wholesale business to deal with paddy and rice in the name and style of Sri Kamalanayaki and company for the past several years. The grievances of the writ petitioner is that, the paddy seized

from the writ petitioner mill had not been dealt with properly and market value had not been paid to the writ petitioner.

3. The learned counsel for the writ petitioner states that the issue went up to the Hon'ble Supreme Court of India and therefore, the writ petitioner is entitled for the market value in respect of the paddy seized by the respondents. The learned Government Advocate appearing on behalf of the respondents states that the GO.Ms.No.160 dated 23.08.2005 itself was issued pursuant to the orders passed by this Court in WP.No.13349 of 2001.

4. This apart on instructions from the officials of the department who is present before this Court, the learned Government Advocate informed that the writ petitioner had already paid the market value of the paddy seized by the respondent. The details in this regard are set out in paragraph No.10 of the counter affidavit filed by the respondents and the said paragraph No.10 is extracted hereunder:-

"It is submitted that in the meantime the Government have accorded sanction for the payment of market value of paddy (i.e.) the sum of Rs.76,860/- in G.O.(Ms) No.160, Cooperation, Food and Consumer Protection (G2) Department dated 23.08.2005 on the basis of the written statement filed by Thiru.A.Arunachalam, the power agent of the writ petitioner for the acceptance of the Market value. Accordingly, the said amount of Rs.76,860/- was paid to him on 02.09.2005 under the stamped acquittance. After accepting the cheque payment, the petitioner has now filed the present writ petition 29325/2005. The WMP No.32130 of 2005 filed along with W.P.No.29325/2005 was dismissed by this Honourable Court on 13.09.2005".

5. In view of the fact that the market value in respect of the paddy seized from the writ petitioner had already been paid to the writ petitioner, no further consideration is required in respect of the grounds raised in the present writ petition. Accordingly, the writ petition stands disposed of. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pkn

To

1. The Secretary to Government,
Food and consumer Protection Department,
Fort St.George, Madras -9.
2. The District Revenue Officer,
Trichy, Trichy District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.88828
+1cc to the Government Pleader, S.R.No.89465

W.P.No.29325 of 2005

VD(CO)

rrs 24/01/2019



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