

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.15192 of 2016

Annai Theresa Mahalir Suyaudhavi Kuzhu,
Rep. By its member Tmt.Nalini .. Petitioner

Vs

- 1.The District Collector,
Thiruvallur District.
- 2.The Commissioner,
Food Supply and Consumer Protection Dept.,
Chepauk, Chennai - 5.
- 3.The District Issuing Authority,
O/o. The District Collector,
Thiruvallur.
- 4.The Taluk Issuing Authority,
O/o.the District Collector,
Thiruvallur.
- 5.The Joint Registrar,
Cooperative Society,
Thiruvallur.
- 6.The Secretary,
Agricultural Production
Cooperative Society, Thiruvallur. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relevant to the order in Na.Ka.13891/2009 S2 dated 07.04.2016 passed by the first respondent and quash the same as illegal, improper, unreasonable, against the rule of law and natural justice and thereby direct the respondents to realLOT the Fair Price Shop No.AC002, Perumbakkam, Thiruvallur District, in the name of the petitioner's Suya Udhavi Kuzhu to enable them to run the said shop.

For petitioner : Mr.A.Rajesh Kanna
For R1 : Mrs.P.Rajalakshmi, AGP
For R2 to R6 : Mr.L.P.Shanmugasundaram, Spl.GP

ORDER

The present writ petition is directed against the impugned proceedings dated 07.04.2016 passed by the first respondent / the District Collector, Thiruvallur, refusing the request of the petitioner to allot the Fair Price Shop No.AC002, situated at Perumbakkam, Thiruvallur District.

2. It is submitted by the learned counsel for the petitioner that the petitioner, represented by its member Mrs.Nalini, has started a self help group by name "Annai Theresa Mahalir Suyu Udhavi Kuzhu", through which, they have extended the aid for number of women, who were suffering below the poverty line and for their upliftment. Since the Villagers have not received the products from the said shop run by the Cooperative society, the said Villagers have made several complaints against them, therefore, due to such complaints, the petitioner group have expressed their willingness to run the Fair Price Shop. After considering the representation given by the petitioner, the first respondent through his proceedings in Na.Ka.No.15960/2003/S2, dated Nil/May/2003, permitted the petitioner group to run the Fair Price Shop which was already run by the Cooperative Society. After the permission, when they were running the said shop successfully, all of a sudden, the present impugned proceeding has been passed cancelling the allotment for the Fair Price shop in question, that too without providing an opportunity of personal hearing to them, hence, on this score, it is contended, such order passed by the first respondent is liable to be set aside, as it is improper, unreasonable and arbitrary.

3. On the other hand, it is submitted by the learned Additional Government Pleader that initially, when the petitioner has suffered an order transferring the present shop from the Women Self Help Group to the Cooperative Department, a writ petition No.1742 of 2016 was filed seeking to quash the said action of the respondent therein. During the course of argument before this Court, it was submitted by the petitioner group that the members of the petitioner group have not completed the vocational training. Therefore, this Court, vide its order dated 28.01.2016, accepting the said submission of the petitioner, directed the respondents therein to consider the

representation dated 18.01.2015 of the petitioner and pass orders in accordance with law. Pursuant to the said direction, they were given an opportunity of personal hearing and during the course of hearing on 15.03.2016, Mrs.Nalini, one of the members of the petitioner group, deposed before the first respondent that the members of the petitioner group have not undergone any vocational training, which is contrary to the statement before this Court in the earlier writ petition. Therefore, on this score, it is pleaded, the present writ petition is liable to be dismissed on the ground of suppression of material facts.

4. I fully agree with the above said submission made by the learned Additional Government Pleader. Although the members of the petitioner group have stated before this Court in the earlier writ petition stated supra that they have undergone vocational training, during the course of personal hearing on 15.03.2016 before the first respondent, Mrs.Nalini, one of the members of the petitioner group has categorically stated that they have not undergone any vocational training. Thus, it is quite clear that the members of the petitioner group do not have adequate experience to run the Fair Price Shop smoothly and effectively. Since, as stated by the learned Additional Government Pleader, the members of the petitioner group have not undergone vocational training, they have no locus standy to stake any claim for re-allotment of the Fair Price Shop in question. Thus, by considering all the material facts, in my view, the first respondent has rightly passed the impugned proceedings cancelling the allotment of shop in question given to the petitioner group.

5. Hence, for all the reasons stated above, I do not find any merit in the writ petition and accordingly, it is dismissed as devoid of any merit. No Costs. WMP.No.13239 of 2016 is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rkm

To

1.The District Collector,
Thiruvallur District.

2.The Commissioner,
Food Supply and Consumer Protection Dept.,
Chepauk, Chennai - 5.

3.The District Issuing Authority,
O/o. The District Collector,
Thiruvallur.

4.The Taluk Issuing Authority,
O/o.the District Collector,
Thiruvallur.

5.The Joint Registrar,
Cooperative Society,
Thiruvallur.

6.The Secretary,
Agricultural Production
Cooperative Society, Thiruvallur.

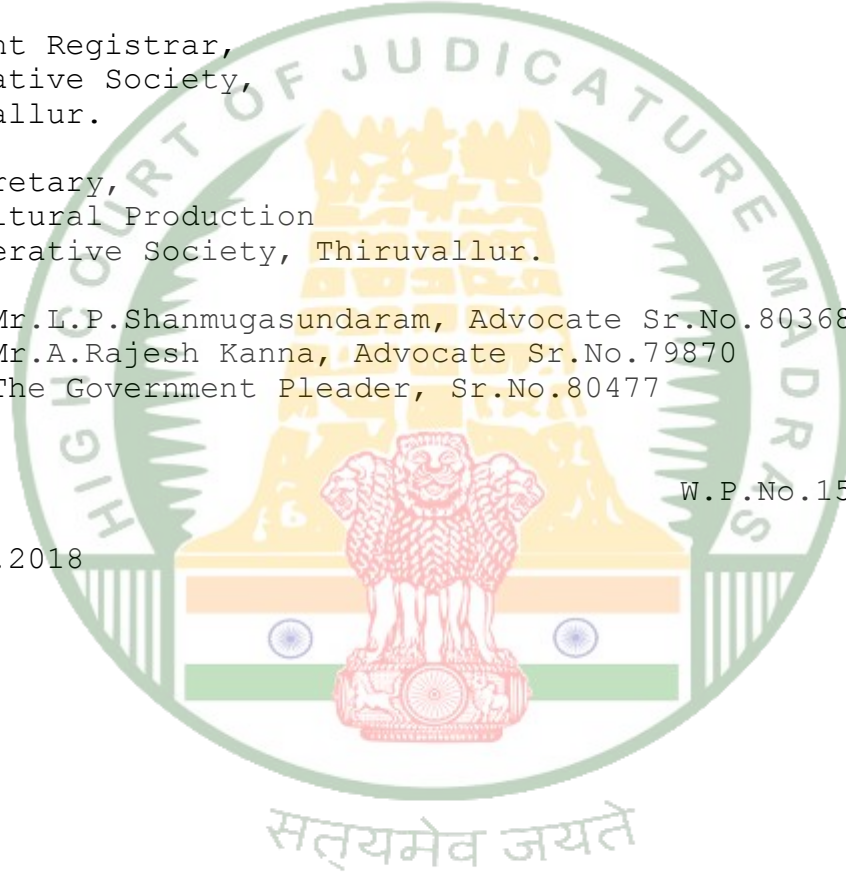
+1 cc to Mr.L.P.Shanmugasundaram, Advocate Sr.No.80368

+1 cc to Mr.A.Rajesh Kanna, Advocate Sr.No.79870

+1 cc to The Government Pleader, Sr.No.80477

W.P.No.15192 of 2016

VD(CO)
CSL/18.12.2018



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