

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2018

CORAM

THE HON'BLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P.No.32435 of 2017
and W.M.P.No.35722 of 2017
and WVMP.No.2019 of 2018

M/s. Savitha Devi
rep. by its Managing Director
Transport Contractor
No.29/19, Sannathi Street,
Tiruvannamalai,
Tiruvannamalai District. Petitioner

Vs.

1. The Tamil Nadu Civil
Supplies Corporation,
rep. By its Managing Director,
No.12, Thambusamy Road,
Kilpauk,
Chennai - 600 010.
2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Tiruvannamalai,
Tiruvannamalai District.
(R2 amended as per order dated 9.1.2018
by KRCBJ in WMP.263 & 264/2018
in W.P.32435/2017)
3. The Deputy Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Tiruvannamalai. Respondents

This writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the proceedings of the 2nd respondent herein, signed by the 3rd respondent herein, bearing Na.Ka.No.B1/4710/2016 dated 06.12.2017 of the 2nd respondent and quash the same.

For Petitioner : Mr.Ar.L.Sundaresan
for Mrs.AL.Ganthimathi

For Respondents: Mr.S.T.S.Murthy,
Additional Advocate General
assisted by Dr.R.Gowri
for R1 to R3

O R D E R

The petitioner is aggrieved against the order of the 2nd respondent dated 06.12.2017, blacklisting the petitioner.

2. The petitioner is a Transport Contractor. The petitioner was awarded with a contract for a period from 01.07.2015 to 30.06.2017. Thereafter, the said period was extended for another three months as the tender of the new contract period was not finalised. However, after issuing a show cause notice to the petitioner and considering her objections, the present impugned order of blacklisting the petitioner dated 06.12.2017 was passed for the reasons stated in the impugned order.

3. Heard Mr.AR.L.Sundaresan, learned senior counsel for the petitioner, Mr.S.T.S.Murthy, learned Additional Advocate General and Mrs.Gowri, learned counsel appearing for the respondent Corporation and perused the materials placed before this Court.

4. Learned senior counsel for the petitioner vehemently contended that the reasons set out in the impugned order cannot be sustained as the petitioner can establish before this Court that those reasons are against the facts and without considering the explanation submitted by the petitioner.

5. This Court, at this stage, is not inclined to go into the contentions raised by the writ petitioner on the merits of the reasons set out in the impugned order, only on the ground that the petitioner is having an appeal remedy before the first respondent herein namely, the Managing Director of the Tamil Nadu Civil Supplies Corporation, against the impugned order of blacklisting. Needless to say that the Appellate Authority being the fact finding authority as well, can go into all the contentions raised by the respective parties and decide as to whether the blacklisting of the petitioner is to be sustained or not. Therefore, without expressing any view on the merits of the matter, this writ petition is disposed of with liberty to the petitioner to file an appeal before the first respondent within a period of two weeks from the date of receipt of a copy of this order. A further direction is issued to the first respondent to dispose of the said appeal within a period of four weeks from the date of receipt of such appeal, on merits and in accordance with law after giving due opportunity of hearing to the

petitioner as well. Consequently, the interim order of status quo already granted in W.M.P.No.35722 of 2017 is vacated. No costs. The connected miscellaneous petitions are closed. Registry is directed to return the original impugned order to the petitioner forthwith. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Managing Director,
Tamil Nadu Civil
Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai - 600 010.
2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Tiruvannamalai, Tiruvannamalai District.
3. The Deputy Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Tiruvannamalai.

+1cc to Mr.M.K.Vijaya Raghavan, Advocate, S.R.No.12364

+1cc to Mr.R.Gowri, Advocate, S.R.No.11327

RRK(19/02/2018)

सत्यमेव जयते

W.P.No.32435 of 2017

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