

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.05.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12076 of 2018 and WMP.No.14078 of 2018

M/s.Moorthy Traders
Rep. by its Manager,
M.Arumugam, S/o.C.Marriappan,
No.60, Journalist Colony,
Thiruvanmiyur, Chennai-600 041

.. Petitioner

vs

1. MMTC Limited,
A Govt of India Enterprise,
Core - 1, Scope Complex,
7 Institutional area,
Lodhi Road,
New Delhi 110 003.
2. MMTC Limited,
A Government of India Enterprise,
Regional Office, No.6,
Esplande, Essar House,
Chennai - 600 108.
3. The Manager,
Central Ware Housing Corporation,
21-B, Sidco Industrial Estate,
Ambattur, Chennai 600 053

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other writ or order or direction to allocate materials from some other Godown wherein the quality of the materials meet and conform to the samples already drawn on the basis of representation dated 25.04.2018 and consider the documents enclosed, on a date fixed by this Court.

For Petitioner : Mr.A.Natarajan, Senior Counsel
For Mr.L.Santhosh Kumar
For Respondents : Mr.M.Santhana Raman

O R D E R

The relief sought for in this writ petition is for a direction to allocate materials from some other Godown, wherein the quality of the materials meet and conform to the samples already drawn on the basis of representation dated 25.04.2018 and consider the documents enclosed.

2. This Court is of an opinion that allocation of materials from one godown to another godown or any other godown is the administrative decision to be taken based on the factual circumstances and other terms and conditions. The writ petitioner is a trader and dealing with MMTC Limited for business transactions. Such business transactions sought to be dealt with according to the terms and conditions stipulated in the rules or agreed between the parties. However, this Court cannot go into such details of allocating the materials from one Godown to another Godown or grant permission to remove the materials from godown. All these aspects are to be decided based on the rules in force.

3. However, the learned Senior Counsel appearing on behalf of the writ petitioner raised a concern that the grievance of the writ petitioner raised in his representation dated 25.04.2018, is not even looked into by the authorities. When the writ petitioner is doing business transaction with the respondents and when certain grievances are raised, the respondents being a 'State', is duty bound to consider the same in accordance with law.

4. In this view of the matter, the 1st respondent is directed to consider the representation submitted by the petitioner on 25.04.2018 and pass orders on merits and in accordance with law, by giving reasons for taking decisions within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the representation and other relevant documents along with the order passed in this writ petition and accordingly, the writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

rka/ sk

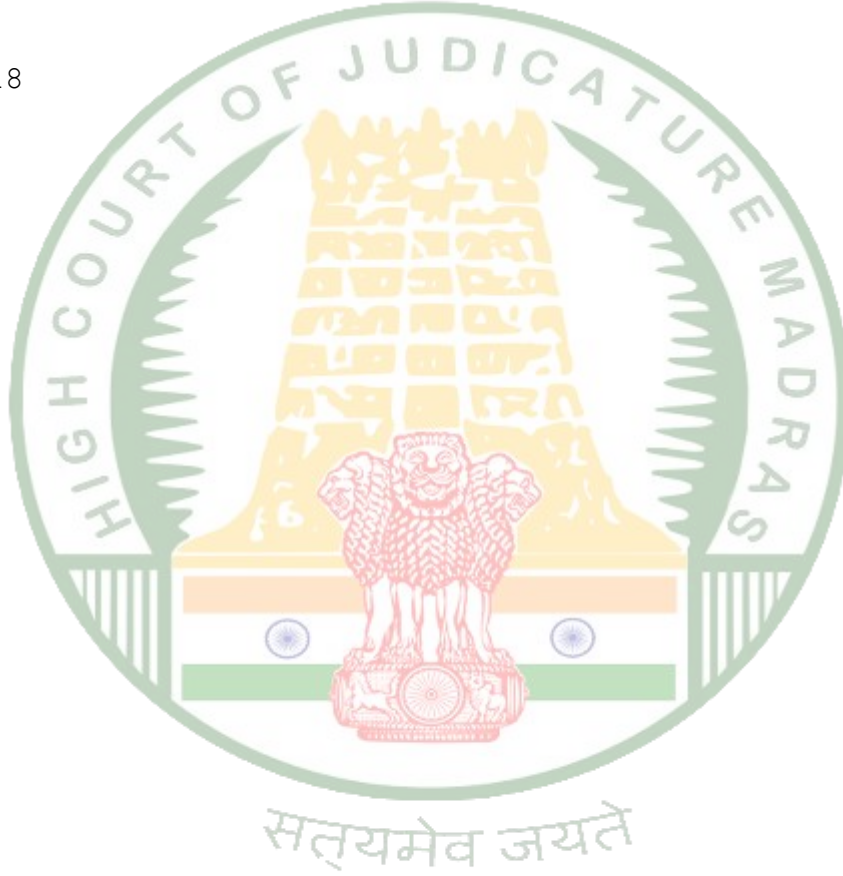
To

1. MMTC Limited,
A Govt of India Enterprise,
Core - 1, Scope Complex,
7 Institutional area,
Lodhi Road,
New Delhi 110 003.

+lcc to Mr.L.Santhosh Kumar, Advocate, S.R.No.33232

W.P.No.12076 of 2018

AD(CO)
CS/16/05/18



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