

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2019

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.3557 of 2011

&

M.P. No.1 of 2011

V. Arumugam

...Petitioner

-Vs-

1. The Commissioner of Civil Supplies &
Consumer Protection Department,
Chepauk, Chennai - 600 005.

2.The District supply Officer,
Namakkal District, Namakkal

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to quash the pre judged impugned notice of the 2nd respondent in Na.Ka.25641/2010/(F.4) dated 31.12.2010 by calling for the records of the 2nd respondent herein and consequently direct the enquiry by the Collector except 2nd respondent.

For Petitioner : Mr. Solomon Francis

For Respondents 1 &2: Mr.D.Raghu. Govenment Advocate

O R D E R

According to the petitioner, the petitioner has challenged the order passed by the second respondent dated 09.07.2010 in Na.Ka.25641/2010/(F.4) in W.P. No.18520 of 2010. By order dated 01.12.2010, this Court directed the petitioner to file all the documents before the second respondent and the same shall be considered by the second respondent and pass orders, after giving sufficient opportunity to the petitioner. Pursuant to the above said order, the petitioner has submitted his explanation on 09.12.2010 with all relevant papers before the second respondent. The impugned order passed by the second respondent dated 31.12.2010 in Na.Ka.No.25641/10(F-4), directing the petitioner to appear on 10.01.2011 at 4.00 p.m. with Bill books before the second respondent failing which action will be

taken on the basis of documents. The petitioner has submitted a detailed explanation on 08.01.2011 along with Bill books. The petitioner appeared before the second respondent on 10.01.2011 for enquiry. The second respondent abused the petitioner without passing any order. Hence, the present writ petition has been filed challenging the impugned notice dated 31.12.2010 passed by the second respondent.

2.The learned Government pleader appearing for the respondents would submit that the petitioner has submitted the explanation with false statement and the petitioner has filed Writ petitions one after another and also obtained interim order to drag on the proceedings. The explanation, dated 10.01.2011 submitted by the petitioner will be considered by the second respondent and pass appropriate orders

3. By considering the aforesaid submission made by the learned Government Advocate, the second respondent is directed to consider the explanation of the petitioner dated 09.12.2010 and 08.01.2011 and pass appropriate orders on merits and in accordance with law as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of the order.

4. Accordingly, the writ petition is disposed of with the above direction. There shall be no orders as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

lbm/vaan

Sub Assistant Registrar

Copy to:

1. The Commissioner of Civil Supplies &
Consumer Protection Department,
Chepauk, Chennai - 600 005.

2. The District supply Officer,
Namakkal District, Namakkal

+1 cc to Mr.P.Solomon Francis, Advocate, S.R.No.5540

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GJ(CO)
SSM(11/03/2019).