

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2019

CORAM :

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. Nos. 3813 & 3814 of 2011

and

MP. Nos.1 & 1 of 2011 and 1 & 1 of 2012

Subash Chandra Bose
Self Help Group
Rep. By its President
Mrs. K. Gandhimathi

...Petitioner
in W.P. No.3813/2011

Annai Sathya Self Help Group
Rep. By its President
Mrs. Meenakshi

...Petitioner
in W.P. No.3814/2011

Vs.

1. The District Collector
Villupuram District
Collector's Office
Villupuram.
2. The Scheme Officer
Tamil Nadu Women Welfare
Board, THADCO Building
1stfloor, 62/56-A Chennai High
Road, Opp.to Govt. Hospital
Villupuram.
3. Block Development Officer
Panchayat Union Office,
Kalvarayan Hills,Vellimalai Sankarapuram Taluk
Villupuram District.
4. The Tahsildar (Civil Supplies)
Taluk Office
Sankarapuram Taluk
Villupuram District.

...Respondents 1 to 4
in both the Wps

5. Bharathi Women Self Help
Group, Rep. By Mrs. Thamayee
Pudhupalapattu
Kalvarayanmalai Panchayat Union
Sankarapuram Taluk
Villupuram District.

... 5th Respondent
in W.P. No.3813/2011

6. Deepam Women Self Help
Group, Rep. By Mrs. Anjalai
Pudhupalapattu
Kalvarayanmalai Panchayat Union
Sankarapuram Taluk
Villupuram District.

... 5th Respondent
in W.P. No.3814/2011

PRAYER: Both the Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the 1st respondent pertaining to the proceedings in Na.Ka. No. A2/803/2010 dated 27.01.2011, pursuant to the proceedings in Na.Ka. No. A2/803/2010 dated 29.11.2010 and quash the same and pass such further orders.

For Petitioners : Mr. P. Valliappan
in both WPs

For Respondents : Mr. M. Karthikeyan, AGP for R1, 2 & 4
in both WPs

Mr. L.P. Shanmugasundaram for R3

Mr. R. Kumaravel
for Mr. V. Manohar for R5

O R D E R

Both these Writ Petitions are filed seeking to quash the proceedings in Na.Ka. No. A2/803/2010 dated 27.01.2011, pursuant to the proceedings in Na.Ka. No. A2/803/2010 dated 29.11.2010.

2. The writ petitioners are the Women Self Help Groups, appointed in respect of Shop Nos.1 & 2, by the 1st respondent on 15.12.2003 by proceedings in Na.Ka. No.52527 of 2003, along with other Women Self Help Groups in Villupuram District. On the basis of the complaint given by a Member of Parliament, Kallakurichi, the 5th respondent in the writ petitions viz., Bharathi Women Self Help Group and Deepam Women Self Help Group, respectively were appointed to run the fair price shops. Aggrieved by the said order, the petitioners have filed the present writ petitions before this Court.

3. The learned counsel for the petitioners would submit that the rotation policy has been applied only to the petitioners and in none of the other Women Self Help Groups the said policy has been followed. It is further submitted that several amounts are due to the petitioners and without refunding the same the petitioners' groups can never be terminated.

4. Relying upon the counter affidavit filed by the 1st respondent, learned Additional Government Pleader would submit that complaints have been received from various sources that the petitioners are not properly distributing the commodities to the public and hence it was ordered to enquire the complaint. The Enquiry Officer, Assistant Project Officer, Mahalir Thittam enquired the matter and suggested to change the Self Help Group for proper and uninterrupted supply of commodities to the public. Based on the report of the enquiry officer, the Secretary, Puthupalapattu PLF (Panchayat Level Federation) a Society for Self Help Groups ordered to select an alternative and suitable Self Help Group by passing a resolution in the presence of Block Development Officer, Kalrayan Hills vide Collector's proceedings Roc. No. A2/803/2010 dated 29.11.2010. Accordingly, the PLF Puthuppalappattu conducted a meeting on 13.12.2010 and selected the 5th respondent, in both the writ petitions, to run the Fair Price shops. Based on the Resolution passed by the PLF, the 1st respondent issued the proceedings in Na.Ka. No. A2/803/2010 dated 27.01.2011 permitting the 5th respondents in both the writ petitions, to run the Fair Price shop. It is further submitted that since the petitioners did not co-operate for the enquiry or produced any records for verification during the enquiry held on 16.01.2011, the accounts and fund balance of the Self Help Group could not be ascertained.

5. Heard the rival submissions and perused the material available on records.

6. It is seen from the submission of the learned Additional Government Pleader that the 1st respondent has received various complaints from the public and from other groups including the Member of Parliament regarding irregular distribution of commodities to public. The object to run a Fair Price shop is only to distribute the ration commodities to public without any delay and complaints. The said distribution should be done without any complaints from any quarters of the public. As complaints were received against the petitioners' group, enquiry had been conducted on the said complaints, but the petitioners did not co-operate for the enquiry and produce any materials. The said fact has not been disclosed in the affidavit filed by the petitioners. It is stated by the petitioners and in the counter affidavit filed by the 1st

respondent that every two years the Fair Price shops are allotted to the Self Help Groups on rotation basis, based on the recommendation of PLF (Panchayat Level Federation). Therefore, the petitioners cannot have any legal right to run the Fair Price shops beyond the said two years period. It is made clear that there are allegations against the petitioners, that the petitioners are running the Fair Price shops for the past six years and that the respondents have not allotted the Fair Price shops on rotation basis as per the norms issued by the Government. Hence, this Court cannot entertain the submissions made by the learned counsel for the petitioners and the writ petitions are liable to be dismissed.

7. In the light of the above said facts and circumstances, the 1st respondent District Collector, Villupuram is directed to re-consider all the Self Help Groups including the petitioners' group and allot the Fair Price shops in Villupuram District to eligible Self Help Groups, as per the aforesaid norms issued by the Government, on rotation basis, which fact has also been confirmed in the counter affidavit filed by the 1st respondent. The above said proceedings shall be completed by the 1st respondent within a period of six weeks from the date of receipt of a copy of this order.

8. The Writ Petitions are dismissed, on the above terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The District Collector
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4. The Tahsildar (Civil Supplies)
Taluk Office
Sankarapuram Taluk
Villupuram District.

+1cc to Mr.V.Manohar, Advocate SR.No.2548

+1cc to Mr.L.P.Shanmugasundram, Advocate SR.No.2526

+2ccs to Mr.p.Valliappan, Advocate SR.No.2544

+1cc to Government Pleader SR.No.2742

W.P. Nos. 3813 & 3814 of 2011
and
MP. Nos.1 & 1 of 2011
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SSD(CO)
GMY(21/02/2019)