



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.11.2019

CORAM:

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HON'BLE MR.JUSTICE N.SESHASAYEE

W.P.No.32741 OF 2019

Parasivaiah

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Petitioner

Vs.

1. The Commissioner
Civil Supplies and Consumer Protection
Department, Chepauk, Chennai 600 005.
2. The Registrar of Cooperative Societies
O/o.The Registrar of Cooperative Society
Kilpauk, Chennai 600 010.
3. The District Collector
Krishnagiri District, Krishnagiri.
4. The District Supply Officer
O/o.The District Collector
Krishnagiri District.
5. The Joint Registrar Cooperative Society
O/o.The Joint Registrar Cooperative Society
Krishnagiri District.

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Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 3rd respondent herein to grant sanction for opening a part time Fair Price Shop at Bellur Village from its parental shop, i.e., DK.75, Dodda Ubbanur Primary Agricultural Cooperative Society based upon the proposals made by the 5th respondent herein without waiting for the confirmation letter from the 1st respondent herein on the basis of the G.O.Ms.No.112 Cooperative Civil Supplies and Consumer Protection [F1] Department dated 21.08.2010.

For Petitioner	:	Mr.S.Kumara Devan
For RR 1, 2 & 5	:	Mr.Balaramesh, AGP
For RR 3 and 4	:	Mr.R.Udhayakumar, AGP



O R D E R

[Order of the Court was made by M.SATHYANARAYANAN, J.,

(1) By consent, the writ petition is taken up for final disposal. Mr. Balaramesh, learned Additional Government Pleader accepts notice on behalf of respondents 1, 2 and 5 and Mr. R. Udhayakumar, learned Additional Government Pleader accepts notice on behalf of respondents 3 and 4.

(2) The writ petition is styled as a Public Interest Litigation and the learned counsel for the petitioner has drawn the attention of this Court to the recommendation of the 5th respondent dated 14.08.2019 in Na.Ka.No.265/2019/bgh/tp/jp.2 addressed to the 3rd respondent and would submit that the recommendation has been made to segregate the ration card from Doddaubbanur Fair Price Shop to the part-time Fair Price Shop at Bellur and despite a lapse of nearly 3 months and odd, nothing is happening and further invited the attention of this Court to G.O.Ms.No.112, Cooperative, Food and Consumer Protection [F1] Department dated 21.08.2010 which speaks about the relaxation of condition in respect of Fair Price Shops to be located in hilly areas and hence, prays for appropriate orders.

(3) Mr. Balaramesh, learned Additional Government Pleader appearing for the respondents 1, 2 and 5 would submit that the District Collector, is to forward the recommendation to respondents 1 and 2, who will ultimately take a call as to the proposal and pass appropriate orders.

(4) This Court has considered the rival submissions and also perused the materials placed before it.

(5) Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the 3rd respondent to act on the said recommendation of the 5th respondent within a period of six weeks from the date of receipt of a copy of this order and forward the same to the respondents 1 and 2, who upon receipt of the recommendation and depending upon the contents of the same, shall take appropriate decision on merits and in accordance with law within a further period of six weeks thereafter and communicate the decision taken, to the petitioner.



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(6) The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Commissioner
Civil Supplies and Consumer Protection
Department, Chepauk, Chennai 600 005.
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O/o.The Registrar of Cooperative Society
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+1 cc to M/s.S.Kumara Devan,Advocate Sr.No. 97335 (06.12.19)

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GP(CO)
CS/06/12/2019