



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP (MD) No.3141 of 2019

and

WMP (MD) No.2458 of 2019

S.Anus

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Keelpauk, Chennai - 10.

2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Virudhunagar Region, Virudhunagar.

3.The Assistant Quality Inspector,
Tamil Nadu Civil Supplies Corporation,
Sattur Godown, Virudhunagar District.

4.The Inspector Police, Civil Supplies C.I.D.,
Virudhunagar.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to depute any other quality inspector to re-analyze the rice seized by the fourth respondent on 19.10.2018 and further direct the respondents 2 to 4 to give a sample from the rice bags to the petitioner to enable him to analyse the same in a private agency.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.M.Rajarajan,
Government Advocate for R4

Mr.Rajakarthikeyan for R1 to R3

ORDER

Heard the learned counsel on either side.

2.The consignment of 138 rice bags belonging to the writ petitioner was seized by the fourth respondent police on 19.10.2018. According to the fourth respondent, the bags in question contain PDS rice. Therefore, Crime No.138 of 2018 on the file of the fourth respondent was registered for the offences under Section 6(4) of



TNSC (RDCS) Order, 1982 r/w.7(i)(a)(ii) of Essential Commodities Act. The fourth respondent forwarded the entire consignment to the third respondent and samples were also drawn. The sample was sent to quality analyst. Quality Certificate No.0255 dated 22.10.2018 was issued by the third respondent to the fourth respondent indicating that the sample pertains to the PDS rice category. The quality certificate indicates that an appeal can be preferred before the Senior Regional Manager within 15 days. Unless a copy of the said certificate is furnished to the petitioner, he cannot avail the appeal remedy.

3.It is admitted by the fourth respondent that the copy of the said certificate was not furnished to the petitioner. Today only the quality certificate has been enclosed in the form of typed set of papers. The writ petitioner is now possessed of a copy of the same. It is open to the writ petitioner to file an appeal before the appellate authority.

4.The learned counsel appearing for the writ petitioner states that he would file an appeal before the appellate authority within a period of fifteen days from the date of receipt of a copy of this order. As and when such an appeal is filed, the appellate authority shall entertain the same without reference to limitation. The appellate authority shall ensure that one more sample is drawn from the seized bags in the presence of the petitioner and the fourth respondent and sent for quality analyst report from some other region. After getting the quality certificate from the said referral analyst, the appellate authority shall dispose of the petitioner's appeal. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

5.This writ petition is allowed. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

The Inspector Police, Civil Supplies C.I.D.,
Virudhunagar.

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-47911[F] dated
<https://hcservices.ecourts.gov.in/hcservices/>
18/02/2019)



+1 CC to M/s.SPL GP (SR-48098[F] dated 19/02/2019)

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-48025[F] dated 19/02/2019)

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WP (MD) No. 3141 of 2019
and
WMP (MD) No. 2458 of 2019
18.02.2019

SKM

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