



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.13835 of 2021

and

W.M.P(MD)No.10802 of 2021

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Cauverypadugai Velan Vilai Porul Viyaparigal Sangam, Thiruvarur,
represented by its General Secretary,
G.Ukthinathan,
22, Jublee Market,
Tiruvarur,
Tiruvarur District. ... Petitioner

Vs.

- 1.The Additional Chief Secretary to the Government,
Co-operation, Food & Consumer Protection Department,
Fort St. George,
Chennai - 9.
- 2.The Additional Chief Secretary to the Government,
Home Department,
Fort St. George,
Chennai - 9.
- 3.The Director General of Police,
Civil Supplies Crime Investigation Department,
Nandanam,
Anna Salai,
Chennai - 35.
- 4.The Superintendent of Police,
Civil Supplies CID,
Chennai.
- 5.The Superintendent of Police,
Civil Supplies CID,
Madurai.
- 6.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai - 10.
- 7.Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
P.B.No.69, Sachidhanantha Moopnar Road, Near Membalam,
Thanjavur - 613 001.



8.Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Vilamal Post, Mannargudi Road,
Thiruvarur - 613 701.

9.Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Collectorate Complex,
Nagapattinam - 611 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to strictly adhere to the clause 3 of the Removal of (Licensing Requirements Stock Limits and Movement Restrictions) on specified food stuffs order 2002 and allow the members of the petitioner to transport paddy from one District to another District and to other states without any hindrance.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.R.Baskaran
Counsel for State.

ORDER

The petitioner seeks a direction to the respondents to adhere strictly to Clause 3 of the Removal of (Licensing Requirements, Stock Limits and Movement Restrictions) on Specified Food Stuffs Order, 2002 (the Removal of Licensing Requirements Order).

2. The petitioner states that it is an association formed to further the welfare of paddy and rice traders carrying on business in several districts. The members of the petitioner Association are in the business of purchasing paddy from farmers in the delta regions and selling the same to rice mill owners and other traders in different regions of Tamil Nadu, Puducherry and neighboring States.

3. The petitioner refers to the Removal of Licensing Requirements Order and states that Clause 3 thereof expressly exempts persons who buy, sell, transport and distribute specific food items, including paddy / rice, from the requirement of obtaining a permit or licence under the Essential Commodities Act, 1955.

4. In spite of the aforesaid statutory mandate, the petitioner alleges that senior officials of the Tamil Nadu Civil Supplies Corporation acting in co-ordination with police officials



of the Civil Supplies CID (Crime Investigation Department) continually harass members of the petitioner Association by seizing vehicles carrying paddy and registering F.I.R's. in connection therewith. The present Writ Petition is filed in these facts and circumstances.

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5. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of all nine respondents. He states that Tanjore is the granary of South India and that consequently the price of paddy and related commodities is higher in Tanjore. Therefore, traders in such commodities transport paddy in very large quantities to Tanjore. As a result, when rice is required for use in the PD System, such rice has to be re-transported from Tanjore to the district where the same is required for the PD System. He points out that it is for this reason that vehicles carrying paddy, especially to Tanjore are intercepted.

6. The prescription in the removal of Licensing Requirements Order is clear. By an express stipulation in Clause 3 thereof, the requirement of a permit or licence in respect of the food items specified in the said Clause 3 has been done away with. The said order, nevertheless, makes it clear that it does not apply in respect of the operation of the PDS (Control Order 2001). Therefore, it is for the appropriate authority to take a decision on the petitioner's representation in accordance with law.

7. Consequently, without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's representation by taking into account the Removal of (Licensing Requirements, Stock Limits and Movement Restrictions) on Specified Food Stuffs Order, 2002 and pass a reasoned order thereon after providing a reasonable opportunity to the petitioner and any others who may be affected thereby. Such reasoned order shall be passed within a period of two (2) months from the date of receipt of a copy of this order.

8. W.P.(MD).No.13835 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).No.10802 of 2021 is closed.

Sd/-

Assistant Registrar (AD.II)

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Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, the copy of the order that is presented is the

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correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-25934[F] dated 11/08/2021)

+1 CC to M/s.GP (SR-26043[F] dated 12/08/2021)

W.P (MD) No.13835 of 2021
10.08.2021

RD(23.08.2021) 4P 12C

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