



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.17347 of 2021

WEB COPY

Latha

... Petitioner

Vs.

The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Madurai Region,
Madurai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the respondent to disburse Rs.4,05,698/- (Rupees Four Lakhs Five Thousand and Six Hundred and Ninety Eight only) towards the sale price of 518 bags of paddy sold the respondent through purchase bill dated 16.07.2021 by considering the petitioner's representation dated 04.09.2021.

For Petitioner : Mr.T.Lenin Kumar

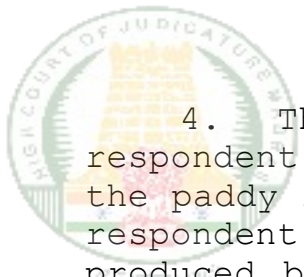
For Respondent : Mr.G.Mohan Kumar

ORDER

The petitioner claims to be a cultivating tenant with respect to properties more particularly the agricultural lands in Survey Nos.181B/1B, 181B/2B, 181A/5, 194/3B2, 286/3B, 286/4C, 286/4D, 286/5C, 286/6B, 286/9A1B, 286/1B2, 286/8, 296/4A, 296/1B3 situated at Valanthur Village, Usilampatti Taluk, Madurai District.

2. The petitioner has stated in the affidavit that she has been cultivating the lands producing paddy. The paddy which has been produced are normally forwarded to the procurement centres. As an illustration, the petitioner had also, in the additional typed set of papers, produced receipts for procuring and handing over the paddy to a direct procurement centre.

3. The petitioner on 16.07.2021 had forwarded the said paddy to Nellai Chellampatti procurement centre. It is claimed by the petitioner that the paddy was also received and receipts were also given. The value of the paddy is claimed to be Rs.1,99,716/- (Rupees One Lakh Ninety Nine Thousand Seven Hundred and Sixteen only) and Rs.2,05,982/- (Rupees Two Lakhs Five Thousand Nine Hundred and Eighty Two only). Since the aforesaid amount were not paid to the petitioner herein even after a lapse of fifteen (15) days, the petitioner had given a representation.



4. The claim of the respondent is entirely different. The respondent claimed that the petitioner's claim to be cultivating the paddy in the aforesaid survey numbers are questionable and the respondent disputed the legality or genuinity of the Adangal produced by the petitioner for verification. The respondent had also given a complaint in this regard and a First information Report in Crime No.104 of 2021 had been registered by CSCID Police on 09.08.2021.

5. Learned counsel for the petitioner insists that the value of the paddy should be given back to the petitioner and also stated that as a matter of fact, under the provisions on which the First Information Report had been registered, the respondent only has a right to confiscate the paddy but they cannot, after getting the benefit of receiving the paddy, withhold the payment or the money's worth of the said paddy.

6. It is however pointed out by the learned counsel for the respondent that a representation has been given to the investigation officer to alter or include further Sections.

7. Let me not enter into further discussion on that particular aspect, since, any enquiry or investigation on the FIR would naturally be placed before the competent Magistrate Court and there, the rights of the parties can be agitated.

8. However, in the proceedings of the respondent dated 12.11.2021 in e.f.vz;.gp1/5632/21, the respondent had very specifically stated that the cash component of the paddy with respect to the paddy received from the petitioner herein, which is termed as economical cost, has been retained separately and would be disbursed and a decision would be taken regarding the disbursement or otherwise, on conclusion of the trial pursuant to First Information Report in Crime No.104 of 2021.

9. Since the investigation has not been completed, a final report will have to be filed first. The petitioner may have the benefit of a closure report or a final report can be filed indicating that the matter should be further examined during the course of trial. Either way, the petitioner's rights are secured in the sense that the economical cost is kept separately by the respondent and a decision would be taken on conclusion of the Court trial.

10. Learned counsel for the petitioner stated that a representation had been given that security could be offered by her and cash could be paid by the respondent. That is a decision to be taken entirely by the respondent and such decision cannot be either forced on the respondent or even suggested to the



respondent by this Court. However, the learned counsel for the respondent stated that such decision is not within the scope of the Writ Petition.

11. Let the petitioner herein give a fresh representation in that regard and let the respondent take a considered decision, de hors the decision in the Criminal Court keeping in mind the rights and interests of the petitioner and address that particular representation in manner known to law.

12. With the said observations, the Writ Petition, however, is dismissed as stated, keeping alive the rights of the petitioner subject to the result of the criminal case. No costs.

13. I am confident that the word 'dismissed' would not weigh on the minds of the respondent, since observations have been given to consider a fresh representation and keep aside the economical cost of the paddy received from the petitioner herein.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Nsr/Lm

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, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Madurai Region, Madurai.

+1 CC to M/s.G.MOHAN KUMAR, Advocate (SR-37081[F] dated
02/12/2021)

**W.P. (MD) .No.17347 of 2021
02.12.2021**

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