

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.1181 OF 2013

AND

W.M.P.NOS.1 & 2 OF 2013

Udayam Womens Self Help Group
Rep. Sales Women
Mrs.Shantha Mary,
Fair Price Shop,
Ponnur,
Nadukani Post,
Gudalur Taluk,
Nilgiris District 643 211

... Petitioner

Vs.

1. The District Collector,
Nilgris District,
Udagamandalam.
2. The Special Tahsildar,
(Civil Supplies)
Gudalur,
Nilgiris District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings Na.Ka.K6.41165/2012, dated 28.11.2012 quash the same and consequently direct the respondents not to interfere in the business of the petitioner in the shop No. DS-011, Ponnur, Nadukani Post, Gudalur Taluk, Nilgiris District.

For Petitioner : Mr.A.Anbarasu

For Respondents : Mr.M.Arumugam
Government Advocate for R1

O R D E R

This petition has been filed challenging the impugned proceedings of the 1st respondent dated 28.11.2012 and for a consequential direction to the respondents not to interfere with the business of the petitioner who was running a ration shop in the subject property.

2. In the year 2009, the petitioner was permitted to run a fair price shop in the subject property. It is stated in the counter affidavit filed by the 1st respondent that the license is normally issued for a period of one year which may be extended for a period of three years and hence, a specific stand has been taken by the 1st respondent to the effect that the license to run the shop came to an end on 31.12.2012.

3. There were various irregularities complained against the petitioner by the local public with regard to the non-issuance of ration commodities and diversion of the same to the open market. It is seen from the counter affidavit that at least on 27 occasions, the irregularities were detected and fine was imposed against the petitioner. Ultimately, a Show Cause Notice came to be issued against the petitioner and the impugned order came to be passed by the 1st respondent.

4. Heard Mr. A. Anbarasu, learned counsel appearing on behalf of the petitioner and Mr. M. Arumugam, learned Government Advocate appearing on behalf of the 1st respondent.

5. In the present case, there is no requirement for this Court to go into the various irregularities that have been pointed out against the petitioner, since the license itself has come to an end on 31.12.2012. The issuance of license in favour of the petitioner cannot be claimed as a matter of right and the respondents take decisions to issue license going by the track record of the persons who apply for the issuance of license to run fair price shops. Obviously, the track record of the petitioner is not up to mark, considering the fact that fine was imposed on at least 27 occasions against the petitioner due to various irregularities. In view of the same, nothing requires to be decided in this writ petition.

6.In view of the above, this petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The District Collector,
Nilgris District,
Udagamandalam.
2. The Special Tahsildar,
(Civil Supplies)
Gudalur,
Nilgiris District.

+1cc to the Government Pleader, S.R.No.39360

W.P.No.1181 of 2013
and W.M.P.Nos.1 & 2 of 2013

SKM(CO)
RLP(12/07/2022)