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W.P.No.4888 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.4888 of 2019
and W.M.P.No.5569 of 2019

B. Chandramohan

... Petitioner

Vs.

- 1.The Chief Secretary,
Chief Secretariat,
Puducherry – 605 001.
- 2.The Secretary (Finance),
Chief Secretariat,
Puducherry – 605 001.
- 3.The Secretary (Agriculture) – cum – Chairman,
PASIC,
Chief Secretariat,
Puducherry – 605 001.
- 4.The Managing Director,
PASIC, Agro House,
Thattanchavadi,
Puducherry – 605 009.
- 5.Thiru. B. Ramakrishnan @ Balagandhi
Director, Agriculture,
Department of Agriculture & Farmers Welfare,
Puducherry – 605 001.



W.P.No.4888 of 2019

6.The Chairman,
Puduvai Agro Products Producer Company Limited,
No.1, First Floor, Mettu Street,
Porayur,
Puducherry – 605 101.

7.The Chairman,
Puduvai Hi-Tech Farmers Producer Company Limited,
No.29, 4th Cross,
Thanthai Periyar Nagar,
Puducherry – 605 005.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing respondents 1 to 3 to take appropriate action against 5th respondent and other erring officers of PASIC for having authorized distribution of Agriculture inputs through private dealers on the basis of the petitioner's representation dated 08.02.2019.

For Petitioner : M/s.R. Kalaiyarasi

For Respondents : M/s.V. Usha,
Additional Government Pleader
(Puducherry) [R1 to R3 & R5]
Mr.T.M. Naveen [R4]
No Appearance [R6 & R7]

ORDER

The petitioner herein had given representation dated 08.02.2019 for a direction to the respondents 1 to 3 to take appropriate action against 5th respondent and other erring officers of PASIC for having authorized



W.P.No.4888 of 2019

distribution of Agriculture inputs through private dealers. Since the said representation was not considered, the present Writ Petition has been filed.

2. It is needless to point out that whenever representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

3. Since the representation given by the petitioner dates back to the year 2019, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.

4. In the light of the above observations, the petitioner is granted



W.P.No.4888 of 2019

liberty to give a fresh representation to the fourth respondent herein, ventilating his grievances. On receipt of the same, the fourth respondent shall consider it on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to fifth respondent, within a period of three (3) months from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, this Writ Petition stands disposed of.

No costs. Connected miscellaneous petition is closed.

05.12.2022

Speaking/Non-speaking

Index : Yes/No

Internet: Yes/No

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To



W.P.No.4888 of 2019

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W.P.No.4888 of 2019

M.S.RAMESH,J.

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W.P.No.4888 of 2019

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