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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.7866 of 2017
and
WMP No.8583 of 2017

T.R.Baskaran,
Proprietor,
M/s. T.V.R.Transports & Enterprises,
Walajabad main Road,
Thenneri Village,
Kanchipuram District 631 604

... Petitioner

Vs

1. Tamilnadu Civil Supplies Corporation,
Represented by its General Manager(Administration),
No.12, Thambusamy Road,
Kilpauk, Chennai 600 010.
2. The Regional Manager,
Tamilnadu Civil Supplies Corporation,
Kanchipuram.
3. Mrs. Savitha Devi,
Transport Contractor,
No.27/19, Sannadhi Street,
Tiruvannamalai

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file fo the first respondent relating to the impugned order of the respondent dated 26.10.2016 bearing Ref.No.Na.Ka.No.AD6/20427/2016 and quash the same and consequently, direct the respondent to disburse the transport charges due to the petitioner for the month of March 2016, totally amounting to Rs.11,25,594/- with further interest at the rate of 18% per annum from 01.04.2016 till date of disbursement.

For petitioner ... Mr. Sai Krishnan
for Mr. Sai Bharath



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For respondents

... Mr. L.P.Shanmuga Sundaram
for R1 & R2

... Mr. M.K.Vijayaragavan,
for R3

ORDER

This writ petition has been filed challenging the order passed by the first respondent regarding disbursement of the transport charges payable to the 3rd respondent.

2. The brief facts leading to file the writ petition is that, the 3rd respondent has entered into an agreement with the respondents 1 and 2/ Civil Supplies Corporation for supply of lorries for transporting essential commodities. Alleging some irregularities in the supply of lorry, based on the vigilance Committee Report, the impugned communication has been sent by the first respondent to the 2nd respondent not to disburse the amount due to the 3rd respondent. The petitioner, who said to have supply lorries to the 3rd respondent, has filed this writ petition challenging the above said communication, on the ground that he has only supplied lorries to the first respondent through the 3rd respondent, and there are huge amount payable to him by the 3rd respondent. In view of the said communication, the petitioner was not in a position to recover the transport charges to the tune of Rs.11,25,594/-.

3. The respondents 1 and 2 filed counter affidavit stating that the first respondent awarded lorry contract to the 3rd respondent for the period of two years, i.e., from 2015 to 2017 and there is no agreement between the petitioner and the respondents 1 and 2. The Vigilance Team of the first respondent had undertaken inspection, in the Direct Purchase Centers, on various dates and noticed serious irregularities committed by the 3rd respondent. In the above circumstances, the first respondent directed the 2nd respondent not to disburse transport charges to the 3rd respondent. It is further stated that the petitioner has no agreement with the first respondent and he has no locus standi to challenge the internal communication between the respondents 1 and 2. That apart, it is also stated that the 3rd respondent herself admitted that she has received the entire payment up to June 2016 and there is no due to her.

4. Heard both sides and perused the materials available on records carefully.

5. Admittedly, 3rd respondent was the contractor under the first respondent and she said to have engaged the lorry of the petitioner and there is no contract between the petitioner and



the first respondent. If the petitioner supplied lorries to the 3rd respondent, it is always open to him to work out his remedy with the 3rd respondent and he cannot demand the first respondent to disburse the amount payable to the 3rd respondent and he has no locustandi to challenge the intra departmental impugned communication.

6. In the above circumstances, I find no merit in the writ petition and hence, the writ petition is dismissed. If at all the petitioner has any grievance against the 3rd respondent, it is always open to him to work out his remedy against 3rd respondent, in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The General Manager(Administration),
Tamilnadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai 600 010.
2. The Regional Manager,
Tamilnadu Civil Supplies Corporation,
Kanchipuram.

+1cc to Mr. Sai Krishnan, Advocate, S.R.No.11312

W.P. No.7866 of 2017

GPL(CO)
CT 22/03/2022