



WEB COPY



W.P.No.13804 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.13804 of 2017 and
WMP.No.14998 of 2017

V.Sethuraman

... Petitioner

Vs

1. Tamil Nadu Civil Supplies Corporation,
Represented by Managing Director,
No.12, Thambusamy Street, Kilpauk,
Chennai-600 010.
2. The Commissioner,
Civil Supplies and Consumer Protection Department,
Chepauk, Chennai-600 005.
3. Tamil Nadu Co-operative Societies,
Rep. by its Deputy Registrar,
Pollachi Region,
Market Road, Pollachi,
Coimbatore District.
4. K.910 Pollachi Consumer Co-operative Stores,
Rep. by its Managing Director,
Palladam Road,
Pollachi, Coimbatore District.
5. Tamil Nadu Co-operative Societies,
Rep. by its Deputy Registrar,



W.P.No.13804 of 2017

WEB COPY

- Karur Region,
Karur, Karur District.
- 6.Karur Co-operative Marketing Society Ltd.,
Rep. by its Managing Director,
Jawahar Bazaar, Karur,
Karur District.
- 7.Tamil Nadu Co-operative Societies,
Rep. by its Deputy Registrar,
Theni Region,
Theni, Theni District.
- (R3, R4, R5 & R7 removed from the array of
respondents vide order dated 14.11.2022 made
in WP.No.13804 of 2017 by this Court)
- 8.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Coimbatore Region, Peelamedu,
Coimbatore District.
- 9.The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Theni Region, Bodi Road, Theni,
Theni District.
- 10.The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Karur Region, O/o. Collectorate,
Karur District.
- 11.The Joint Registrar of Co-operative Societies,
Coimbatore Region,
Arokiya Salai, Saibaba Colony,
Coimbatore.

... Respondents



W.P.No.13804 of 2017

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus forbearing the load men of the Civil Supplies Corporation in the Godown from demanding Mamool or Atti Coolie from the lorry owners to load essential commodities and to initiate action against them in terms of the circular made in ALB A4/110509/2007 dated 12.08.2010 issued by the 1st respondent prior to issuing tender notification to be issued by the 4th respondent for the year 2017-2018 in respect of respective region.

For Petitioner : Mr.Ilansezhiyan
for Mr.G.Ethirajulu

For Respondents : Mr.B.Vijay (for R2)
Additional Government Pleader

No Appearance (for R1, R2, R6, R8 to R11)

ORDER

Heard Mr.Ilansezhiyan, learned counsel for the petitioner and Mr.B.Vijay, learned Additional Government Pleader for R2.

2.Though counsel has entered appearance for R6, R8 and R9 and service is complete on R1, R2, R10 and R11, there is no appearance by or on their behalf. A memo dated 20.02.2022 has been filed to the effect that R3, R4, R5 and R7 are not necessary parties. Hence, respondents i.e. R3, R4, R5 and R7 stand deleted.



W.P.No.13804 of 2017

3.The petitioner claims to be a registered contractor for transportation of supply of essential commodities, such as Rice, Sugar, Wheat and Pulses among others. He claims to be running more than 20 lorries and has participated in the tenders floated by the Tamil Nadu Civil Supplies Corporation/R1 for transportation of various essential commodities from the godowns to fair price shops.

4.The allegation of the petitioner is that the headmen appointed, who are under the direct control of R1 Corporation, demand and collect Mamool and Atti Coolie from the owners of the lorries who assist in the process of loading. If they refuse to pay the amounts as aforesaid, they invariably delay the loading activity, leading to financial loss. In this regard, reliance is placed on Circular in ALB A4/110509/2007 dated 12.08.2010, which specifically places a restriction upon such illegal activities as alleged in this writ petition.

5.Learned counsel who appears for R2 would point out that there is no proof placed in regard to such illegal demand and that is correct. However, and equally, it is not always possible to obtain proof in such matters and authorities must not lose sight of ground realities of the matters. It would hence suffice that the respondents are reminded of the tone and tenor of Circular dated



W.P.No.13804 of 2017

12.08.2010 and a direction is issued to strictly enforce the same, henceforth, if

not already done.

6.This writ petition is disposed as above. No costs. Connected miscellaneous petition is closed.

14.12.2022

vs

Index : Yes/No

Speaking Order

To

- 1.Tamil Nadu Civil Supplies Corporation,
Represented by Managing Director,
No.12, Thambusamy Street, Kilpauk,
Chennai-600 010.
- 2.The Commissioner,
Civil Supplies and Consumer Protection Department,
Chepauk, Chennai-600 005.
- 3.Karur Co-operative Marketing Society Ltd.,
Rep. by its Managing Director,
Jawahar Bazaar, Karur,
Karur District.
- 8.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Coimbatore Region, Peelamedu,
Coimbatore District.
- 9.The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Theni Region, Bodi Road, Theni,
Theni District.

5/6



WEB COPY



W.P.No.13804 of 2017

Dr.ANITA SUMANTH,J.

VS

- 10.The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Karur Region, O/o. Collectorate,
Karur District.
- 11.The Joint Registrar of Co-operative Societies,
Coimbatore Region,
Arokiya Salai, Saibaba Colony,
Coimbatore.

W.P.No.13804 of 2017 and
WMP.No.14998 of 2017

14.12.2022