



WEB COPY



W.A.No.1084 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. B.BALAJI

W.A.No.1084 of 2012

1. The Ex-Officio Secretary to Government,
Co-operation Food and Consumer Protection Department,
Fort St. George, Madras-9.

2. The Collector of Tiruchirappalli District,
Trichy.

3. The Special Tahsildar, Civil Supplies,
Trichy District.

... Appellants

Vs.

1.M.Karunanidhi

2. The Managing Director,
Tiruchy Flour Mills Ltd., Tiruchy.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed by this Court in W.P.No.9583 of 1991 dated 23.03.1999.



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WEB COPY For Appellants

: Mrs.Geetha Thamaraiselvan,

Special Government Pleader

For Respondents

: Mr.Manjunath Karthikeyan

for Mr.S.R.Raghunathan - for R2

JUDGEMENT

(Judgment of the Court was delivered by D.KRISHNAKUMAR, J.)

This Intra Court Appeal has been filed by the Department to set aside the order passed by the learned single Judge in W.P.No.9583/1991 dated 23.03.1999, whereby the G.O.Ms.No.164, Co-operation Food and Consumer Protection Department, dated 06.05.1991 passed against the writ petitioners was scrapped.

2. A perusal of the records shows that, in this writ appeal, notice was ordered on 15.06.2012. Thereafter, when the matter was listed on 03.04.2023, at request of the learned Government Pleader to take steps to serve notice to the respondents, the matter was directed to be listed after three weeks. Further, when the matter was listed on 26.04.2023, the matter was directed to be listed after vacation to take steps to effect substituted



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service on the first respondent. Again, on 10.07.2023, three weeks time was granted to the appellants to serve notice to the first respondent through substituted service. Today also, no step was taken to effect substituted service on the first respondent.

3. We have gone through the records.

4. In the G.O.Ms.No.164, Co-operation Food and Consumer Protection Department, dated 06.05.1991, the appeal filed by the first respondent, viz. M.Karunandhi against confiscation of 120 bags of wheat and imposition of fine of Rs.25,000/- on him, was considered by the Government and finally the fine amount of Rs.25,000/- was reduced to Rs.20,000/-, however appeal was dismissed. The above Government order was challenged by the first respondent herein before the writ court. The learned Single Judge had considered the issue and discussed the matter on merits and vide order dated 23.03.1999, had scrapped the above G.O.Ms.No.164, dated 06.05.1991.



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5. It is to be noted that, as against the order passed by the Writ Court dated 23.03.1999, the writ appeal has been filed by the Department only in the year 2012. Though notice was ordered in the year 2012 itself and sufficient opportunities were given to the appellants till the year 2023, they have not taken steps to complete the service on the unserved respondent by effecting substituted service.

6. Considering the above, we are of the view that the appellants are not interested in prosecuting the case and hence, we are not inclined to entertain this writ appeal.

7. Accordingly, this writ appeal is dismissed. No costs.

(D.K.K.J.) (P.B.B.J.)
08.08.2023

Internet: Yes/No
Index : Yes/No
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To

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