



W.A.No.2968 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.2968 of 2023

The Managing Director
Tamil Nadu Civil Supplies Corporation
No.12, Thambusamy Road, Kilpauk
Chennai 600 010.

.. Appellant

Vs.

1. The Government of Tamil Nadu
Rep. by the Secretary to Government
Co-operation, Food and Consumer Protection Dept.
St. George Fort, Chennai.

2. The Commissioner of Civil Supplies and
Consumer Protection
Opp. To Chepauk Railway Station
Chennai 600 005.

3. M/s.C.P.Foods
A Partnership Firm
Rep. by its Authorized Signatory M.Arumugam
having Office at No.52, South Car Street
Virudhunagar – 626 123.

.. Respondents

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Prayer: Appeal filed under Clause 15 of the Letters Patent against the order in W.P.No.2377 of 2023 dated 03.03.2023.

For the Appellant : Mr.J.Ravindran
Additional Advocate General
for Mr.C.Selvaraj

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by Mrs.R.Anitha
Special Government Pleader
for R1 & R2

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.J.Ravindran, learned Additional Advocate General for Mr.C.Selvaraj, learned counsel for the appellant and Mr.P.Muthukumar, learned State Government Pleader assisted by Mrs.R.Anitha, learned Special Government Pleader for respondents 1 and 2.

2. The appellant is challenging the impugned order passed by the learned Single Judge, thereby allowing the writ petition and directing the present appellant to adhere to the Government Order dated 15.11.2022 bearing G.O.(Ms).No.123, Co-operation, Food and Consumer Protection (F1) Department.

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3. Learned Additional Advocate General submits that the Court has misread the Government Order dated 15.11.2022. The said Government Order states that Special Public Distribution System scheme is extended for a further period of six months from 01.10.2022 to 31.03.2023 for the supply of one dal i.e., Tur Dal / Canadian Yellow Lentil as well as the Palmolein Oil. It is the supply of one dal, i.e., Tur Dal / Canadian Yellow Lentil and not both. Learned Additional Advocate General submits that in view of the exigency, tender has already been issued by incorporating both Tur Dal and Canadian Yellow Lentil.

4. Though the appeal is of academic interest, now, only to consider the misreading of the Government Order by the learned Single Judge, the present appeal is filed.

5. The Court would not entertain the appeal for academic purpose. The impugned order by the learned Single Judge is restricted to the tender that was issued and assailed before the



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learned Single Judge. For fresh tender, it will be open for the appellant to contend about the scheme of the Government and the policy introduced by the Government, which certainly would be considered afresh, if the same is subsequently challenged.

6. It is made clear that the observation made by the learned Single Judge against the Officers are only for the purpose of deciding the writ petition and the same would not have any other effect.

With these observations and clarifications, the writ appeal stands disposed of. There will be no order as to costs. Consequently, C.M.P.No.24628 of 2023 stands closed.

(S.V.G., CJ.)

(D.B.C., J.)

30.10.2023

Index : Yes/No
Neutral Citation : Yes/No

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To

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THE HON'BLE CHIEF JUSTICE
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(drm)

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