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W.P.No.29392 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.29392 of 2019

and

W.M.P.No.3028 of 2021

Thirumullaivoyal Stationary, Printing,
Book Binding, Aluminum & Leather Mfrs.
Industrial Co-op. Society Ltd.,
Rep. by its President,
G.Hassan,
S/o.N.M.Gani,
Having office at No.40,
1st Floor, Anderson Street,
Chennai – 600 001.

... Petitioner

vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Animal Husbandry Dairy farm and Fishing (AH-3) Department,
Fort St. George,
Chennai – 600 009.

2.The Director,
Animal Husbandry and Veterinary Services,
No.571, Anna Salai,
Nandanam,
Chennai – 600 035.

... Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order passed by the second respondent herein vide his proceedings No.Na.Ka.No.479/JJ1/2018 dated 14.06.2019 and quash the same as illegal, arbitrary, unreasonable and violative of rules and principle of natural justice and thereby direct the respondents herein to sanction a sum of Rs.10.60 lakhs along with interest at the rate of 12% pa for the services rendered by the petitioner's society in printing and supply of 1 lakh numbers of Multi color stickers and 2000 numbers of multi colour banners.

For Petitioner : Mr.A.R.Suresh

For Respondents : Mr.P.Sathish

Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking issuance of Writ of Certiorarified Mandamus, to call for the entire records pertaining to the order passed by the second respondent herein vide his proceedings No.Na.Ka.No.479/JJ1/2018 dated 14.06.2019 and quash the same as illegal, arbitrary, unreasonable and violative of rules and principle of natural justice and thereby, to direct the respondents herein to sanction a sum of Rs.10.60 lakhs along with interest at the rate of 12% p.a. for the



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services rendered by the petitioner's society in printing and supply of 1 lakh numbers of Multi color stickers and 2000 numbers of multi colour banners.

2. The case of the petitioner is that, it is a society registered under the Khadi and Village Industries Board, Government of Tamil Nadu, carrying on the business of printing, book binding and other aluminium and leather products for the past 26 years. While so, the erstwhile director of Animal Husbandry and Veterinary Services had orally granted permission to the petitioner to print 1,00,000 stickers and 2,000 banners for implementation of 13th round of Foot and Mouth Disease Control program, which is a centrally sponsored scheme for supplying vaccination for the Foot and Mouth Disease Control in all the districts of Tamil Nadu. Hence, the petitioner printed the stickers and banners and supplied to all over the State and he made a claim for payment for the same. However, the claim made by the petitioner was rejected. Challenging the same, the petitioner filed the above writ petition before this Court.



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3. Though very many grounds have been raised in the above writ petition, however, at the time of arguments, the learned counsel for the petitioner restricted his prayer and submitted that, since the issue arises in the present writ petition is a disputed questions of facts, which cannot be entertained under Article 226 of the Constitution. Hence, he sought permission of this Court to workout the remedy before the competent Civil Court.

4. Heard learned counsel on either side and perused the materials available on record.

5. In view of the aforesaid stand taken by the learned counsel for the petitioner, this Court, without interfering with the order under challenge, grants liberty to the petitioner to approach the competent Civil Court for appropriate remedy.



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6. In view of the above, the Writ Petition is disposed of. No costs.

Consequently, the connected miscellaneous petition is closed.

06.06.2023

Index : Yes/No

Speaking order / Non-speaking order

Neutral Citation Case : Yes/No

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To

1.The Secretary to Government,
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Chennai – 600 009.

2.The Director,
Animal Husbandry and Veterinary Services,
No.571, Anna Salai,
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M.DHANDAPANI, J.

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