



W.P(MD)No.1848 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1848 of 2015

Vilavancode Primary Agriculture
Co-operative Credit Society Ltd.No.962,
Represented by its President P.S.Rajakumar,
Kuzhithurai Post,
Kanyakumari District.

... Petitioner

Vs

1.The District Collector,
Kanyakumari District at
Nagercoil.

2.The District Supply Officer,
Collectorate,
Nagercoil,
Kanyakumari District.

3.The Joint Registrar of
Co-operative Societies,
Kanyakumari Region,
Nagercoil,
Kanyakumari District.

4.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Konam, Nagercoil,
Kanyakumari District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in Na.Ka.U6/19948/2013, dated 13.08.2014 quash the same and direct the first respondent to transfer two Amudham Ration Shops one situated at Pandanthalmoodu and the another at Palavilai to the petitioner society, within a time frame fixed by this Court.

For Petitioner : Ms.J.Anandhavalli

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R.1 to R.3

Mr.D.Mayarajan for R.4

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is a registered Co-operative Society. It wanted to run two fair price shops. It applied to the District Collector seeking permission to run the fair price shops. That would have entailed the transfer of existing fair price shops run by the Tamil Nadu Civil Supplies Corporation to the control of the petitioner's Society. The petitioner's request was in fact considered. Some preliminary exercise was also undertaken. But subsequently the General Manager of Tamil Nadu Civil Supply Corporation informed the



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District Collector that if the fair price shops are transferred and handed over to the petitioner-Society, the service conditions of the employees will suffer adversely. Taking note of the said objection, the District Collector, Kanyakumari District rejected the request of the petitioner and informed them accordingly. This communication dated 13.08.2014 is put challenge in this writ petition.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned communication and grant relief as prayed for.

4. I am not swayed by the submissions of the learned counsel appearing for the petitioner. Merely because some preliminary exercise was undertaken to consider the petitioner's request, that would not by itself operate as an estoppel. The petitioner could not have had any legitimate expectation. My attention has not been drawn to any statutory rule or provision which would have entitled the petitioner to run two fair price shops in question. Eligibility is one thing while entitlement is another. I endorse the stand of the learned Additional Government Pleader that the legal rights of the petitioner has not been violated. No cause for interference has been made out. The impugned order is sustained.



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5. This writ petition stands dismissed. There shall be no order as to costs.

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Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

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G.R.SWAMINATHAN, J.

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