



W.P.(MD)No.17504 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2023

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.17504 of 2016

K.O.Mayandi

: Petitioner

Vs.

1.The Principal Secretary / Commissioner,
Civil Supply and Consumer Protection Department,
Ezhilagam,
Chepauk,
Chennai – 5.

2.The Joint Commissioner,
Civil Supply and Consumer Protection Department,
Ezhilagam, Chepauk,
Chennai – 5.

3.The District Supply Officer,
Madurai District,
Collectorate,
Madurai.

4.The Taluk Supply Officer,
Usilampatti Taluk,
Usilampatti,
Madurai.



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5.The President,

MU-8 Usilampatti Taluk Agriculture

Producers Cooperative Marketing Society Ltd.,

Usilampatti,

Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the first respondent to conduct fresh and fair enquiry by giving sufficient opportunity to the petitioner vide representation dated 18.08.2016.

For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.J.K.Jeyaseelan

Government Advocate

ORDER

This Writ Petition is filed for a Writ of Mandamus, directing the first respondent to conduct fresh and fair enquiry by giving sufficient opportunity to the petitioner vide representation dated 18.08.2016.

2.Heard Mr.V.Malaiyendran, learned Counsel for the petitioner and Mr.J.K.Jeyaseelan, learned Government Advocate appearing for the respondents.



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3.The petitioner is working as a Salesman in the fifth respondent Corporation namely, MU-8 Usilampatti Taluk Agriculture Producers Cooperative Marketing Society Limited, which also runs a Kerosene Supply Centre. While so, upon receiving certain complaints regarding the kerosene supply in Usilampatti, on 28.12.2015, the flying squad attached to the first respondent Commissionerate conducted surprise inspection and certain irregularities were noted down.

4.It is the case of the petitioner that the inspection team found that even in respect of certain family cards which were not renewed after 2014-2015, bogus entries were made and kerosene is said to have been supplied to the said cards and therefore, there is a loss to the tune of Rs.5,10,928/-, to the Public Distribution System. In this regard, a criminal case is also registered in Crime No.160/2016 under Section 6(2) (3) of Tamil Nadu Civil Supplies Kerosene Control Order r/w. Section 7(1)(a) of the Essential Commodities Act, 1956, which is said to be pending.

5.This apart, disciplinary proceedings were also directed to be initiated against the Taluk Supply Officer. In this regard, the petitioner, apprehending that without any order, amounts may be recovered from him, has approached this Court. It is the contention



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of the petitioner that he is no way connected with the renewal of the ration cards and would submit that if at all any action should be taken, he should be given opportunity before such action.

6.In paragraph No.6 of the counter affidavit filed by the respondents, it is stated that the Joint Registrar of the Co-operative Society will put the petitioner on notice before deciding the issue of ordering recovery of the amount. Therefore, the apprehension of the petitioner that amount will be recovered from him without notice to him is now allayed by the counter affidavit as it has been specifically undertaken by the respondents that they will put the petitioner on notice. Therefore, as and when such show cause notice is issued, the petitioner is entitled to raise all the contentions which are raised in the affidavit and the respondents will consider the same before passing final orders in the matter.

7.With the above observation, this Writ Petition is disposed of. However, there shall be no order as to costs.

15.09.2023

Index : Yes / No
Internet : Yes / No
MR



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D.BHARATHA CHAKRAVARTHY, J.

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