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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.02.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.3341 of 2024

M/s.Sri Sairam Impex,
represented by its Authorised Signatory
No.83/34, Venkatesan Street,
Royapuram, Chennai – 600 013.

... Petitioner

Vs

1. The Additional Chief Secretary,
Co-operation, Food and Consumer Protection Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Additional Chief Secretary to Government,
Finance Department, Fort St. George,
Chennai – 600 009.
3. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Purasaiwakkam, Chennai – 600 010.
4. The Commissioner of Civil Supplies and
Consumer Protection,
Chepauk, Chennai – 600 005.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India

<https://www.mhcprajudis.org/> praying to issue a Writ of Mandamus directing the 1st respondent to consider



W.P.No.3341 of 2024

the petitioner's representation dated 19.10.2023 and pass appropriate Government order including the Masoor Dhal (imported Red lentil) for supply of Dhal to Public Distribution System and further direct the 3rd respondent to include Masoor Dhal (imported Red lentil) in the subsequent tender called for supply of Dhal.

For Petitioner : Mr.P.R.Raman, Senior Counsel
for Mr.Ashwin Premsundar

For Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

Mr.Gokul Krishnan, learned Additional Government Pleader accepts notice for the respondents and is led by Mr.J.Ravindran, learned Additional Advocate General. They are armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner represented by Mr.P.R.Raman, learned Senior Counsel for Mr.Ashwin Premsundar, learned counsel submits that it is a registered empanelled supplier of Dhal in the State of Tamil Nadu. The predominant business of the petitioner is the import of Masoor Dhal (imported red lentil) for supply within the State of Tamil Nadu.

3. The petitioner is aggrieved by the fact that the tenders issued by the

State cover the supply of Toor Dhall (imported) and Canadian Yellow Lentil,



W.P.No.3341 of 2024

but exclude Masoor Dhall (imported Red Lentil). According to it, the non-inclusion of Masoor Dhall in the tender is detrimental to the public exchequer and thus the petitioner had forwarded a representation dated 19.10.2023 to the respondents seeking inclusion of Masoor Dhall in subsequent tenders along with other varieties of Dhall that are being purchased.

4. The petitioner, in this regard, refers to a letter issued by the Secretary, Government of India, Department of Consumer Affairs in D.O.No.PS-03002/5/2022-PMC dated 10.11.2023 which, he states, supports his stand. He also relies, in this regard upon a decision in the case of *Aathi Jeganathan V. The Government of Tamil Nadu and others* (W.P.(MD) No.12658 of 2017 dated 11.08.2017).

5. Since the representation of the petitioner dated 19.10.2023 is pending before the respondent (acknowledgement cards have been placed in the compilation) it would be appropriate that the respondents be directed to consider the same having regard to the documents that have been cited by the petitioner as aforesaid.

6. Thus, mandamus is issued to R1, being the Additional Chief Secretary, Cooperation, Food and Consumer Protection Department, Government of Tamil Nadu, Secretariat, Chennai to hear the petitioner and pass orders on



W.P.No.3341 of 2024

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Dr.ANITA SUMANTH,J.

representation dated 19.10.2023 in accordance with law, within a period of eight (8) weeks from date of receipt of a copy of this order.

7. This Writ Petition is disposed as above. No costs.

13.02.2024

Index : Yes / No

Speaking order

Neutral citations:Yes

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To

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W.P.No.3341 of 2024