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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.03.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.5685 of 2024

M/s.Sri Sairam Impex,
Rep. By its Authorised Signatory,
M.Arumugam,
No:83/84, Venkatesan Street,
Royapuram, Chennai – 600 013.

... Petitioner

Vs

1. The State of Tamil Nadu Rep. By
Additional Chief Secretary to Government,
Co-operation, Food and Consumer Protection Department,
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, Thambusamy road, Kilpauk,
Chennai – 600 010.
4. The Commissioner of Civil Supplies and
Consumer Protection,
Chepauk, Chennai – 600 005.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd Respondent to include the Red Lentil (Masoor Dhal) in the E-tender Notification No: BS6/004689/2024 dated 13.02.2024, published on 14.02.2024 and give addendum to the said notification within a period to be stipulated by this Hon'ble Court.

For Petitioner : Mr.B.Kumar, Senior Counsel
for Mr.L.Santhosh Kumar
For Respondents : Mr.J.Ravindran (for R3 and R4)
Additional Advocate General
assisted by
Mr.C.Selvaraj
Additional Government Pleader
Mr.M.R.Gokul Krishnan (R1 and R2)
Additional Government Pleader

ORDER

This petitioner has already approached the Court in WP.No.3341 of 2024. The prayer in that writ petition was a reasonable one insofar as it sought a writ of mandamus directing the Additional Chief Secretary, Co-operation, Food and Consumer Protection Department/R1 to consider its representation dated 19.10.2023 and pass appropriate orders including Masoor Dhal (imported Red Lentil) for supply to the Public Distribution System. That writ petition was disposed on 13.02.2024 by way of the following order:-



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'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 Premasundar, 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, 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.



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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 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.'

2.Both Mr.B.Kumar, learned Senior Counsel appearing on behalf of Mr.L.Santhosh Kumar, learned counsel for the petitioner as well as Mr.J.Ravindran, learned Additional Advocate General, who appears on behalf of Mr.C.Selvaraj, learned Additional Government Pleader appearing for the respondents would accede to the position that the process of adjudication of representation dated 19.10.2023 is on-going. The next hearing is slated to be on 12.03.2024.

3.In the present writ petition, the petitioner seeks the more aggressive relief of mandamus directing R3 being the Managing Director of the Tamil Nadu Civil Supplies Corporation to include Red Lentils in E-tender notification bearing No.BS6/004689/2024 dated 13.02.2024 by way of an addendum. The reference to addendum is for the reason that the notification, as published now excludes Red Lentils from the scope of the tender.

4.Evidently, the attempt is to force the respondents' hand into arriving at a decision at the very earliest, the petitioner hoping that such decision would be in its favour. Under order passed in WP.No.3341 of 2024 on 13.02.2024 a



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period of eight weeks was granted to the respondents to consider the request of the petitioner for inclusion of Red Lentil in the forth coming tenders. It would thus have been appropriate that the adjudication of that representation had been completed prior to the present E-tender notice dated 13.02.2024 having been floated.

5.Be that as it may, there is still time. Hence, the petitioner is permitted to appear before R1 on 08.03.2024 and R1 shall take a decision on the request of the petitioner prior to 15.03.2024 in accordance with law and as per the directions in the earlier writ petition.

6.This writ petition stands disposed in terms of the above order. No costs.

06.03.2024

Index : Yes / No

Speaking Order

Neutral Citation:Yes

vs

To

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Chennai – 600 009.

2. The Additional Chief Secretary to Government,
Finance Department, Fort St.George,



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Dr.ANITA SUMANTH, J.

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