



W.P.No.14088 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.14088 of 2021

and

W.M.P.No.14963 of 2021

M/s.A.Valliyammal & Sons
Represented by its Proprietor,
Mr.A.Rajasekar

... Petitioner

-Vs-

1.The Government of Tamil Nadu,
Represented by its Secretary,
Co-operation, Food and Consumer Protection Department,
Secretariat, Chennai-600 009.

2.The District Collector,
Thiruvannamalai District, Thiruvannamalai.

3.The District Supply Officer,
Thiruvannamalai District, Thiruvannamalai.

4.The Special Tahsildar,
Civil Supplies, Arani

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, direction calling for the entire records of the proceedings culminating in passing of the impugned order



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in Na.Ka.J2/11052/2020 dated 01.09.2020 on the file of the 3rd respondent and quash the same as illegal and consequently, directing the 3rd respondent to renew the petitioner's retailer registration certificate bearing No.38/R/Arni for the period from 01.01.2018 to 31.12.2020 within a reasonable time frame to be fixed.

For Petitioner : Ms.Divia Bharathi V

For Respondents : Mr.C.Chandrasekaran
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent dated 01.09.2020, thereby rejected the request made by the petitioner for renewal of licence standing in the name of A.Valliammal & Sons.

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

3. The petitioner is the son of one Valliyammal, who was the proprietrix of A.Valliyammal & Sons and it is an authorised retailer in kerosene under public distribution system. While being so, when the



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licence for the year 2015 to 2017 expired on 15.11.2017, the petitioner applied for renewal of license. Even before expiry of licence, the proprietrix, viz., Valliyammal, died on 24.05.2016. On the date of expiry of licence, i.e., on 15.11.2017, the petitioner, being the son of the said Valliyammal, applied for renewal of licence under Form – III as per Clause 5(2) of the Tamil Nadu Kerosene (Regulation of Trade) Order, 1973. It was not considered and as such the petitioner filed a writ petition before this Court and though a direction was issued by this Court, the third respondent rejected the request made by the petitioner for renewal of licence. Hence, this writ petition.

4. The learned counsel appearing for the petitioner would submit that the petitioner was not given an opportunity of hearing which is a clear case of violation of principles of natural justice. The petitioner is the person who to lookafter the business and as such, there is no valid reason to reject the claim of the petitioner for renewal of licence. Only because a writ petition was filed, the third respondent, in a harried manner, mechanically rejected the claim of the petitioner and also cancelled the licence issued in favour of the petitioner's mother.



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5. A perusal of the counter filed by the third respondent and the submission made by the learned Special Government Pleader reveals that licence was issued in the name of A.Valliyammal & Sons, represented by its Proprietric Valliyammal, which expired on 15.11.2017. On the date of expiry, the petitioner, who is the son of the said Valliyammal, submitted an application for renewal of licence. The renewal application was forwarded to the fourth respondent. Pending application, the supply of kerosene continued till the disposal of the renewal application. On receipt of said application, the petitioner was called for an enquiry. The petitioner appeared before the enquiry and his statement was recorded. One of the condition for retail registration certificate is that the retailer must be wholly depending on the income from the kerosene retail business. Whereas the petitioner is concerned, he is working in Indian Postal Department and getting a monthly salary of Rs.13,130+DA. That apart, the petitioner is not only the legal heir of the deceased Valliyammal. The petitioner also failed to obtain no objection certificate from the other legal heirs of the deceased Valliyammal in order to renew the licence in the name of the petitioner.



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6. In fact, the petitioner appeared for enquiry on 09.07.2020 and the petitioner had undertaken to produce necessary documents to establish his rights in the firm viz., A.Valliyammal & Sons within a period of one week. However, the petitioner failed to produce any document in support of his claim. As stated supra, the petitioner also failed to produce no objection certificate from the other legal heirs. Therefore, the third respondent rightly rejected the request made by the petitioner for renewal of licence. Hence, this Court finds no infirmity or illegality in the order passed by the third respondent. Thus, the writ petition is devoid of merits and is liable to be dismissed.

7. Accordingly, this Writ Petitions stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

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Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
Neutral Citation : Yes/No
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To
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- 1.The Secretary,
Government of Tamil Nadu,
Co-operation, Food and Consumer Protection Department,
Secretariat, Chennai-600 009.
- 2.The District Collector,
Thiruvannamalai District, Thiruvannamalai.
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