



W.P.No.15425 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.15425 of 2021
and
W.M.P.No.16329 of 2021

G.R.Sridharan

... Petitioner

Vs

1. Managing Director,
Tamil Nadu Civil Supply Corporation Ltd.,
No.12, Thambusamy Road,
Kilpauk,
Chennai – 600 010.

2. S.Meenakshisundaram
General Manager (Marketing)
Tamil Nadu Civil Supply Corporation Ltd.,
No.12, Thambusamy Road,
Kilpauk,
Chennai – 600 010.

3. S.Khaja Shahul Hameed,
Regional Manager,
Tamil Nadu Civil Supply Corporation Ltd.,
Thiruvallur Taluk Pin – 631 402.

4. G.R.Alavandar

5. L.Mahesh Babu



W.P.No.15425 of 2021

6. Bharanidharan

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus, to call for the records pertaining to the proceedings issued in Rc.MB1/56964/2019 dated 26.05.2020 issued by the first respondent, quash the same and direct the first respondent to conduct a fair enquiry by giving an opportunity to the petitioner on the complaint dated 27.04.2020 made by the petitioner.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.C.Selvaraj,
Standing Counsel (for R1 to R3)

Mr.N.Nithianandam (for R4)

ORDER

The Writ Petition has been filed challenging the order passed by the first respondent, thereby the amount was disbursed for purchase of Paddy in favour of the fifth respondent.

2. The case of the petitioner is that himself and the fourth respondent are brothers and their father owned the property. After his



W.P.No.15425 of 2021

demise, there was no partition by metes and bounds. Therefore, the petitioner filed a suit for partition and separate possession in O.S.No.33 of 2014 on the file of the Additional District Court, Tiruvallur. While that being so, the fourth respondent raised Paddy crops in the fields and the stealthily harvested and sold the paddy and secreted the sale amount. Therefore, while pending the said suit, the petitioner filed an Interlocutory Application in I.A.No.82 of 2017 and the same was ordered to deposit the sale proceeds of Rs.4,60,800/- to the credit of the said suit. However, the said order was not complied with. Hence, the petitioner submitted a representation to the first to third respondents. Even then, the sale proceeds were paid to the fifth respondent.

3. Admittedly, the subject land belongs to the petitioner and fourth respondent's father. After his demise, the petitioner filed the said suit and it is pending. When the first respondent failed to comply with the order passed by the Civil Court, the petitioner ought to have approached the Civil Court for appropriate action for non compliance of the order passed by the Civil Court.



W.P.No.15425 of 2021

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4. That apart, on a perusal of the order impugned in this Writ Petition, it is seen that the fifth respondent supplied Paddy of 715 bags with all documents. The interim order passed by the Civil Court pertains to the Paddy sold out by the fourth respondent to the tune of Rs.4,60,800/-. The impugned order also pertains to selling of 715 Paddy bags, that too by the fifth respondent. After due enquiry and verifications of the documents produced by the fifth respondent, the entire sale proceeds was ordered to be paid in favour of the fifth respondent. Therefore, this Writ Petition is devoid of merits and it is liable to be dismissed.

5. In the result, this Writ Petition is dismissed. However, if at all there is any claim as against the fourth respondent, the petitioner is at liberty to approach the Civil Court for appropriate relief in the manner known to law. Consequently, the connected Miscellaneous Petition is closed. No costs.

15.04.2024

Index:Yes/No
Neutral Citation/Yes/No
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W.P.No.15425 of 2021

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Chennai – 600 010.
2. The General Manager (Marketing)
Tamil Nadu Civil Supply Corporation Ltd.,
No.12, Thambusamy Road,
Kilpauk,
Chennai – 600 010.
3. The Regional Manager,
Tamil Nadu Civil Supply Corporation Ltd.,
Thiruvallur Taluk Pin – 631 402.



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W.P.No.15425 of 2021

G.K.ILANTHIRAIYAN, J.

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W.P.No.15425 of 2021

15.04.2024