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WA.No.1595 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

CORAM:

THE HONOURABLE Mr.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

WA.No.1595 of 2024
and
CMP.No.11122 of 2024

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

... Appellant

-Vs-

1. The Additional Chief Secretary to Government of Tamil Nadu
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 of Tamil Nadu
Finance Department,
Government of Tamil Nadu
Secretariat, 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.



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5. Ganesan Chandran

6. The Deputy Director [Entomology]

Directorate of Plant Protection,

Quarantine and Storage,

Great Southern Trunk Road,

Near Trident Hotel,

National Airport Authority

National Airport Authority Colony,

Meenambakkam, Chennai-600 027

Tamil Nadu.

[R5 and R6 are impleaded vide order

dated 27.08.2024 made in CMP.Nos.15762 & 11816 of 2024]

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 30.04.2024 passed in WP.No.7357 of 2024 on the file of this Hon'ble Court and allow the Writ Appeal.

For Appellant : Mr.Om Prakash
Senior Counsel
for Mr.M.Venkadesh Kumar

For Respondents : Mr.S.Joh J.Raja Singh
Additional Government Pleader for R1 & R2
Mr.P.S.Raman
Advocate General
Assisted by Mr.C.Selvaraj for R3 & R4
Mr.A.Kumaraguru for R5 & R6

J U D G M E N T

*[Judgement of the Court was made by **R.SUBRAMANIAN, J**]*

With the consent of the counsel for the parties, this Writ Appeal is taken up for final hearing.



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2. Heard Mr.Om Prakash, learned Senior Counsel appearing for the appellant, Mr.S.John J.Raja Singh, learned Additional Government Pleader for the respondents 1 and 2, Mr.P.S.Raman, learned Advocate General assisted by Mr.C.Selvaraj, learned Additional Government Pleader for respondents 3 and 4 and Mr.A.Kumaraguru, learned counsel for the respondents 5 and 6.

3. The petitioner came to the Writ Court with a prayer for a Certiorarified Mandamus, to call for the records relating to the communication dated 14.03.2024 in and by which the Government rejected the representation of the petitioner, that the Government should include Red Lentils [Masoor Dhal] in its re-tender notification dated 18.04.2024. It was the contention of the petitioner that Masoor Dhal, which also contains all nutrients as in Toor Dhal is available at a lesser price and therefore, the State Government cannot stick to procurement of Toor Dhal alone when a much cheaper alternative is available. It is also claimed that the Red Lentils, the imported version of Masoor Dhal is also available in the market at a much lesser price than Toor Dhal. The Government considered the representation and rejected it on the ground that the past experience had shown that Masoor Dhal can be very easily adulterated with a look alike substance called Kesar Dhal, which is a



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dangerous weed. Lab reports and the report of the District Collector, Karur, also showed that this Masoor Dhal contains Beta Oxalyl Alanine a Neuro toxin, which has an effect on the nervous system. In the light of the above factual matrix, the State Government stuck to its decision to distribute only Toor Dhal through the Public Distribution System. Though Mr.OM Prakash, learned Senior Counsel would make an attempt to persuade us, relying upon an advisory issued by the Central Government suggesting use of Masoor Dhal as a substitute of Toor Dhal, we are unable to accept his submissions as we will be interfering with the policy decision of the Government, which is based on certain inputs and past experience.

4. It is settled law that this Court cannot test the decision of the Government, which is based on expert opinion in proceedings under Article 226 of the Constitution of India. This Court does not also have the advantage of such expert opinion and the ill effects or otherwise of the substitute which is offered by the petitioner cannot be determined by this Court in a proceedings under Article 226 of The Constitution of India. We therefore see no reason to interfere with the order of the learned Single Judge.



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5. The Writ Appeal fails and it is accordingly dismissed. No costs.

Consequently, connected CMP is also closed.

[R.S.M., J] [C.K., J]

06.12.2024

Index :No

Internet: Yes

Speaking Order

NCC : No

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To

1. The Additional Chief Secretary to Government of Tamil Nadu
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 of Tamil Nadu
Finance Department,
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