



W.P(MD)No.14102 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.14102 of 2022

and

W.M.P(MD)No.10068 of 2022

Sivanesan

... Petitioner

Vs.

The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Madurai Region,
Kuruvikkaran Salai,
Madurai-625 020.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the respondent by his proceedings in Na.Ka.No.PP1/3409/22(1), dated 22.06.2022 quash the same as illegal and consequently directing the respondent to disburse a sum of Rs. 3,55,144/- (Rupees Three Lakhs Fifty Five Thousand and One Hundred and Forty Four only) towards the sale price of 431 bags of paddy sold to the respondent through purchase bill, dated 12.02.2022 to the petitioner and pass such further or other order as this Court.



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For Petitioner : Mr.C.Mayilvahana Rajendran

For Respondent : Mr.G.Mohan Kumar
Standing Counsel

ORDER

The present writ petition has been filed challenging the order passed by the respondent, dated 22.06.2022, thereby reduced the disbursement amount for the petitioner.

2. The petitioner has claiming to be the cultivating tenant for the land situated at Valanthur Village, Usilampatti Taluk, Madurai District and sold out 431 bags of paddy to the respondent worth about Rs.3,55,144/-. While purchasing the paddy, the respondent ought to have verified the details given by the vendor such as adangal extracts for the subject land in which cultivated and harvested the paddy. After purchase of the paddy, the respondent verified the adangal extract produced by the petitioner and found that it was fabricated one. Therefore, a criminal complaint was lodged and the same was registered in Crime No.54 of 2023 on the file of the Inspector of Police, Valanthur Police Station, Madurai District for the offences punishable under Section 406, 420, 467, 468 and 471 of Indian Penal Code, 1860 as against the petitioner and



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others. Now the investigation is pending. The cost of the paddy has been now deposited in Sundry Creditors and the same was not disbursed to the petitioner on the ground that the petitioner submitted fabricated adangal extract. Subsequently, the concerned Village Administrative Officer certified that the said adangal extract was not issued by the Village Administrative Officer of Valanthur Village, Usilampatti Taluk, Madurai District. Therefore, the representation submitted by the petitioner seeking disbursement of the cost of the paddy which was purchased by the respondent was rejected by the respondent on the ground that the criminal case is pending as against the petitioner.

3. Admittedly, the paddy was purchased from the petitioner to the cost of Rs.3,55,144/-. The respondent is being the Tamil Nadu Civil Supplies Corporation and state owned public sector company registered under the Company's Act, 1956. The State Government had issued G.O(Ms)No.60 Co-operation, Food and Consumer Protection (B1) Department, dated 16.07.2021 framing guidelines for the establishment of Direct Procurement Center for procuring paddy. Accordingly, the respective District Collector issues orders every season prescribing the total number of Direct Procurement Centers to be opened and also determining their location. The committee



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headed by the District Collector consisting of Personal Assistant to District Collector, Joint Director, Regional Manager, Tamil Nadu Civil Supplies Corporation and two representatives from the farmers as its members in order to monitor overall functioning of the Direct Procurement Center. Accordingly, paddy is directly procured from the farmers and for the common variety Grade B at Rs.20.50/- per kg and for Grade A at Rs.20.60/- per quintal. Apart from that, the farmers are also entitled for incentive for each ton.

4. The intention of this guidelines to procure paddy directly from the farmers without through the middle man such as vendors and brokers. Though the petitioner produced fabricated adangal extract while sending the paddy to the respondent, the petitioner is entitled for cost of the paddy. But he is not entitled for incentive for the paddy submitted by him to the respondent. Even assuming that the petitioner is the trader, he is entitle for cost of the paddy which was purchased by the respondent. Now the said cost of the paddy is deposited in the Sundry accounts. If the petitioner is convicted in the criminal case, he is punishable for the charges framed against him. The cost of the paddy cannot be denied to the petitioner. The paddy is not the crime proceeds or stolen one, whatever the more, the petitioner procure paddy and sold out the



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same to the respondent. Therefore, the petitioner is entitled to receive the cost of the paddy.

5. In view of the above, the order passed by the respondent, dated 22.06.2022 is liable to be quashed. The respondent is directed to disburse the cost of the paddy to the petitioner within a period of two (2) weeks from the date of receipt of a copy of this order. It is made clear that any of the observations made by this Court may not influence the criminal court while proceeding the trial as against the petitioner.

6. In the result, this writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

13.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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To
The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Madurai Region,
Kuruvikkaran Salai,
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G.K.ILANTHIRAIYAN, J.

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