



W.P.(MD) No.16801 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.16801 of 2014

and

M.P.(MD) No.1 of 2014

K.Natarajan

.. Petitioner

Vs.

1.The Senior Regional Manager,
Thanjavur Region,
The Tamil Nadu Civil Supplies Corporation,
Satchidananda Moopannar Road,
Near Membalam, Thanjavur-613 001.

2.The Branch Manager,
The Tamil Nadu Civil Supplies Corporation,
Saackottai, Kumbakonam,
Thanjavur District.

3.M.Shankar,
Purchasing Clerk (PC),
The Tamil Nadu Civil Supplies Corporation,
Kadichampaadi Direct Purchase Centre,
Kumbakonam Taluk, Thanjavur District.

4.Mani

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the 1st respondent's order in Na.Ka.No.C4/15178/2013 dated 22.07.2014 and set aside the same and consequently direct the respondents to pay appropriate amount to the petitioner for his entire paddy bags within a period that may be stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For R1 & R2 : Mr.G.Mohankumar

For R4 : No appearance

ORDER

This writ petition has been filed challenging the proceedings of the first respondent dated 22.07.2014, wherein the claim of the petitioner was rejected.

2. The claim of the petitioner is that his father owns land, but however, the petitioner being his son was granted Token No.528. However, the fourth respondent had also been issued with two tokens in Nos.526 and 527.



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3. It is the case of the petitioner that the fourth respondent did not own any lands and had worked under his father and therefore, he is not entitled for payment of any money as indicated in column 4 of the order impugned. He would submit that the fourth respondent had not owned any land in his name. He is not entitled to any token. This has not been considered by the first respondent. Even as per the representation made by the petitioner, the respondent had not conducted an enquiry and had sanctioned payment to the fourth respondent.

4. Countering his argument, the learned counsel appearing for respondents 1 and 2 would submit that the fourth respondent had claimed to be a cultivating tenant and only on that ground, he has been issued with the tokens. The petitioner's claim is that the land belongs to his father and the father, who is the owner of the land, had not filed any writ petition challenging the tokens granted in favour of the fourth respondent. He would submit that it is disputed question of fact and it is only open to the petitioner to initiate appropriate civil proceedings. He



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would however submit that the fourth respondent had been benefited with the payment shown in column 4 of the order impugned and that the petitioner had returned the demand draft sent to him.

5. I have considered the submissions made by the learned counsel on either side.

6. Even though the petitioner claims that the fourth respondent ought not to have been issued with the tokens, the land upon which the fourth respondent claims to be cultivating tenant, does not belong to the petitioner and belongs to his father. His father has not approached this Court by filing any writ petition disputing the agreement between himself and the fourth respondent. In such view of the matter, the petitioner cannot be entitled to claim the relief as prayed for in this writ petition. Further, the petitioner had refused the payment made to him. It is submitted by the learned counsel for the petitioner that since the writ petition was pending, he has refused to receive the said payment.



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7. Since I have come to the conclusion that the petitioner is not entitled to challenge the tokens given in favour of the fourth respondent and since there is a refusal by the petitioner to receive the amount and that he is entitled to receive the amount of course without any interest on the same. The first respondent shall make the payment to the petitioner as done in column 4 of the order impugned within a period of four weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

09.12.2024

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

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K.KUMARESH BABU, J.

abr

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