

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

TUESDAY, THE TWENTY FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 36199 OF 2024

Between:

Sai Prem Rice Mill, Represented by its Managing Partner, Chandra Shekar S/o. Pullaiah, Age 53 Years, Kanagarthi Village, Ellanthakunta Mandal, Karimnagar District.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary to the Consumer Affairs, Food and Civil Supplies Department, Secretariat Buildings, Hyderabad.
2. The Collector (CS), Karimnagar District, Karimnagar.
3. The District Civil Supplies Officer, Karimnagar District, Karimnagar.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondent authorities in not passing any orders considering the representation submitted by the petitioner dated 01- 11- 2024, for granting time for supply of the CMR Dues to be supplied by the petitioner rice mill under Custom Milling Rice Scheme, is nothing but discriminatory, arbitrary, illegal, null and void and violative of principles of natural- justice and also violative of Articles 14, 19 and 21 of the Constitution of India. Consequently direct the respondent authorities to consider the representation submitted by the petitioner dated 01- 11- 2024, for granting time to supply the milled rice to be supplied by the petitioner rice mill under Custom Milling Rice Scheme

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent authorities to consider the representation submitted by the petitioner dated 01-11-2024, for granting time to supply the milled rice to be supplied by the petitioner rice mill under Custom Milling Rice Scheme

Counsel for the Petitioner: SRI. K. VENUMADHAV

Counsel for the Respondents: AGP FOR CIVIL SUPPLIES

The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.36199 OF 2024

ORDER:

Heard Sri K. Venumadhav, learned counsel appearing on behalf of the petitioner and learned Assistant Government Pleader for Civil Supplies, appearing on behalf of respondent Nos.1 to 3.

2. The petitioner approached the Court seeking prayer as under:

"...to issue an order or direction more particularly one in the nature of Writ of *Mandamus* or any other appropriate writ declaring the action of the respondent authorities in not passing any orders considering the representation submitted by the petitioner dated 01-11-2024 for granting time for supply of the CMR dues to be supplied by the petitioner rice mill under Custom Milling Rice Scheme, is nothing but discriminatory, arbitrary, illegal, null and void and violative of principles of natural justice and also violative of Articles 14, 19 and 21 of the Constitution of India. Consequently direct the respondent authorities to consider the representation submitted by the petitioner dated 01-11-2024 for granting time to supply the milled rice to be supplied by the petitioner rice mill under

Custom Milling Rice Scheme and to pass such other order or orders as this Honble Court may deem fit and proper in the interest of justice".

3. The case of the petitioner in brief is that the petitioner filed representation to the respondent authorities on 01.11.2024 for granting time for supply of the CMR dues to be supplied by the petitioner rice mill under custom Milling Rice Scheme, but the respondent authorities did not pass any orders considering the representation of the petitioner dated 01.11.2024. Hence the petitioner approached the Court by filing the present writ petition.

4. It is the specific case of the petitioner that notice dated 29.10.2024 was issued to the petitioner by the 2nd respondent which was served on the petitioner on 31.10.2024 calling upon the petitioner to complete the CMR delivery immediately. In response to the said notice dated 29.10.2024 issued to the petitioner, the petitioner submitted a detailed explanation dated 01.11.2024 to the District Collector (CS), Karimnagar District, explaining that the notice dated 29.10.2024 was issued unilaterally by the 2nd respondent without affording an opportunity of hearing to the petitioner.

The petitioner further explained the specific reasons and the circumstances which led to delay in delivery of Custom Milling Rice in the said explanation dated 01.11.2024, and requested to grant some more time by providing four installments to deliver the Custom Milling Rice and drop further action against the petitioner. It is further the case of the petitioner that in spite of the receipt of the explanation dated 01.11.2024 by the respondent No.2, no orders have been passed by the 2nd respondent as on date.

5. The learned counsel appearing on behalf of the petitioner further placed reliance on Memo No.1473/CS.1.CRP/2024, dated 18.11.2024 wherein the Government agreed to the proposal for further extension of time limit by another (60) days for receipt of CMR dues from the default rice mills.

PERUSED THE RECORD

6. **The Memo No.1473/CS.1.CRP/2024, dated 18.11.2024 issued by 1st respondent is extracted hereunder:**

"In continuation to the orders issued in the reference 1st cited and as per the request of Commissioner of civil Supplies, Hyderabad, in the reference 3rd cited, Government **hereby agreed to the proposal for further extension of time limit another (60) days for receipt of CMR dues from the default rice mills of Rabi 2019-20, Rabi 2020-21, Kharif 2021-22, Rabi 2021-22 and Kharif 2022-23 from the date of issue of the orders**".

7. The learned counsel appearing on behalf of the petitioner submits that the writ petition could be disposed of by directing the respondent No.2 to consider the explanation of the petitioner dated 01.11.2024 submitted by the petitioner in response to the notice dated 29.10.2024 issued by Government, in accordance to law, in the light of Memo No.1473/CS.I.CRP/2024 dated 18.11.2024 issued by the 1st respondent.

8. The learned Assistant Government Pleader for Civil Supplies, appearing on behalf of respondent Nos.1 to 3 does not dispute the said submission made by the learned counsel appearing on behalf of the petitioner.

9. Taking into consideration

(a) The submission made by the learned counsel appearing on behalf of the petitioner and the learned Assistant Government Pleader for Civil Supplies, appearing on behalf of respondent Nos.1 to 3,

(b) The contents of the explanation of the petitioner dated 01-11-2024 submitted in response to the notice dated 29.10.2024 issued to the petitioner by the 2nd respondent,

(c) The contents of the Memo No.1473/CS.1.CRP/2024, dated 18.11.2024 issued by 1st respondent (referred to and extracted above),

The writ petition is disposed of directing the respondent No.2 to consider the explanation dated 01.11.2024 submitted by the petitioner in response to the notice dated 29.10.2024 issued to the petitioner by the 2nd respondent in the light of the Memo No.1473/CS.I.CRP/2024 dated 18.11.2024 issued by the 1st respondent (referred to and extracted above) and pass appropriate orders in relation to the subject issue in accordance to law, within a period of one (1)

week from the date of receipt of a copy of this order and duly communicate the decision to the petitioner. However, there shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in the Writ Petition shall also stand closed.

SD/-S. MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary to the Consumer Affairs, Food and Civil Supplies Department, Secretariat Buildings, T.S., Hyderabad.
2. The Collector (CS), Karimnagar District, Karimnagar.
3. The District Civil Supplies Officer, Karimnagar District, Karimnagar.
4. One CC to SRI. K. VENUMADHAV, Advocate [OPUC]
5. Two CCs to GP FOR CIVIL SUPPLIES, High Court for the State of Telangana at Hyderabad [OUT]
6. Two CD Copies

B M
BS



CC TODAY

HIGH COURT

DATED:24/12/2024

ORDER

WP.No.36199 of 2024

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

⑨
27/12/24
10/12