



W.P.No.9307 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 18.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

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V.IYYAPPAN

... Petitioner

Vs

1. THE MANAGING DIRECTOR,
TAMILNADU CIVIL SUPPLIES CORPORATION,
NO.12, THAMBUSAMY ROAD,
KILPAUK,
CHENNAI-10.
2. THE SENIOR REGIONAL MANAGER,
TAMILNADU CIVIL SUPPLIES CORPORATION,
VILAMAL, MANNARGUDI ROAD,
THIRUVARUR.
3. THE DIVISIONAL MANAGER,
TAMILNADU CIVIL SUPPLIES CORPORATION,
BALAKRISHNA NAGAR,
MANNARGUDI.
4. THE DISTRICT COLLECTOR,
THIRUVARUR DISTRICT,
THIRUVARUR.
5. THE SUPERINTENDENT OF POLICE
THIRUVARUR DISTRICT,
THIRUVARUR.
6. MURUGA ENTERPRISES
NO.200/3, OM KANDA COMPLEX,
THANEERTHOTTI BUS STAND,
KOTTAKOUNDAMPATTI,
OMALUR TALUK, SALEM DISTRICT.



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7. A.S.JAYAKUAMR
S/O.SUBRAMANIAM,
PRESIDENT,
MANNARGUDI TALUKA LORRY OWNERS ASSOCIATION,
MANANRGUDI, THIRUVARUR DISTRICT.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents 1 to 3 to use the petitioner's four lorries i) TN 34 3766, (ii) TN 45 X 1415, (iii) TN 28 K 1624, (iv) TN 09 D 8222 for loading and unloading of the materials including paddy grains and rice for the purpose of Tamilnadu Civil Supplies Corporation in and around Mannargudi region and thereby not to discriminate against the petitioner and his lorries for loading and unloading of materials

For Petitioner : Mr.N.Suresh

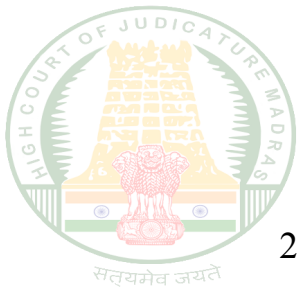
For R1 to R3 : Mr.J.Ravindran
Additional Advocate General
assisted by Mr.C.Selvaraj,
Additional Government Pleader

For R4 : Mr.S.Senthil Murugan
Special Government Pleader

For R5 : Dr.C.E.Pratap,
Government Advocate (Crl.Side)

ORDER

The writ petition is filed for a mandamus directing the first to third respondents to use the petitioner's four lorries i)TN 34 3766, (ii) TN 45 X 1415, (iii) TN 28 K 1624, (iv) TN 09 D 8222 for loading and unloading materials, including paddy grains and rice, for the purpose of the Tamil Nadu Civil Supplies Corporation.

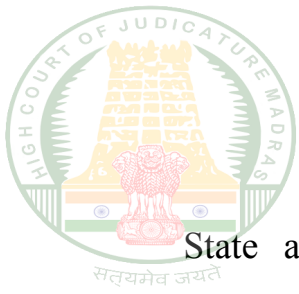


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2. Upon hearing the learned counsel appearing on behalf of the petitioner and perusing the affidavit filed in support of the writ petition and the material records of the case, it is clear that respondents 1 to 3, namely the Tamil Nadu Civil Supplies Corporation, engage contractors for transporting these grains from railheads to godowns, from godowns to ration shops, modern rice mills, etc. For that purpose, they appoint transport contractors. It is the duty of the contractors to move the food grains/essential commodities from one place to another as requested by the Civil Supplies Corporation and they are paid on a per-kilometer-per-ton basis.

3. The grievance of the petitioner is that the sixth respondent has now been appointed as the contractor for the Thiruvarur Region. Originally, the sixth respondent was engaging the services of the petitioner also. The petitioner's lorries were being utilized. However, due to the interference of the seventh respondent, who is the Association President and due to personal motives, the sixth respondent is now refusing to use the petitioner's vehicles and they are not being utilized at all by the sixth respondent.

4. The learned counsel appearing for the petitioner contends that when the work is done on behalf of the State, the contractors act as agents of the

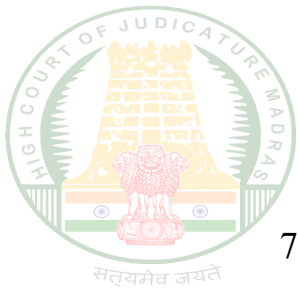


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State and therefore, they should follow principles of fairness in their procedures. The petitioner cannot be suddenly deprived of his livelihood by refusing his lorries. The petitioner submits that at least, this Court should frame guidelines directing the Civil Supplies Corporation to ensure that all lorry owners are treated equally. A kind of roster system should be fixed so that contractors cannot arbitrarily refuse the services of any particular lorry owner.

5. The said prayer is opposed on behalf of the learned Additional Advocate General appearing on behalf of the respondents 1 to 3. The learned Additional Advocate General submits that the Civil Supplies Corporation is not concerned with the actual lorries that are used. The contractor is appointed and it is for the contractor to engage lorries and more the goods. If the contractor does not wish to use the services of the petitioner, the same is not under the control of respondents 1 to 3.

6. I have considered the rival submissions made on either side and perused the material records of the case.



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7. As rightly contended by the learned Additional Advocate General appearing on behalf of the respondent 1 to 3, it is evident that the Civil Supplies Corporation is not engaging the lorries directly. It is outsourcing the entire movement to the contractor. It is for the private contractor to move the goods by his own lorries or by engaging third party lorries. Therefore, this matter is not under the control of the Civil Supplies Corporation.

8. The contention of the learned counsel appearing for the petitioner is that when work is done for the State, the contractors act as agents of the State. I am unable to accept this contention. Merely because a contractor is appointed for transporting paddy or other food grains, the private lorry owners/contractors cannot be considered agents of the Tamil Nadu Civil Supplies Corporation. It is a contract for work on a per kilometer per ton basis, and the contractor does not become part of the Civil Supplies Corporation or perform public duties in that regard. The contractor participates in the tender for his own profit and the contract is awarded accordingly. In this context, the principle of statehood does not extend to the contractor. I reject the said contention made by the learned counsel for the petitioner.



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WEB COPY9. Thus, essentially what is pleaded is the grievances with reference to the private party contractor. Under Article 226, this Court cannot direct a private persons to provide business to the petitioner. These decisions rest with the concerned individuals and it is for the petitioner to seek his own business opportunities. Unfortunately, the Court cannot intervene in this matter and I am of the view that the Court cannot direct the Civil Supplies Corporation to frame any guidelines regarding the inclusion of all lorry owners, etc. Finding no merit, the writ petition stands dismissed. No costs.

18.03.2025

Neutral Citation: Yes/No
nsl



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D.BHARATHA CHAKRAVARTHY, J.

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