

(1988) 03 MAD CK 0043

In the Madras High Court

Case No : Writ Petition No. 4732 of 1981

G. Varadaraju

APPELLANT

Vs

The District Revenue Officer, Madurai and Others

RESPONDENT

Date of Decision : 28-03-1988

Acts Referred:

Constitution of India, 1950 — Article 19(1)

Rice Milling Industry (Regulation) Act, 1958 — Section 5

Citation : AIR 1989 Mad 98

Hon'ble Judges : Swamikkannu, J

Bench : Single Bench

Advocate : B.S. Gnanadesikan, for the Appellant; Samuel, Government Advocate and K. Govindarajan, for the Respondent

Final Decision : Dismissed

Judgement

Swamikkannu, J.—This is a petition for quashing the proceedings of the first respondent made in Roc. P. 5/38600/81 dt. 15-4-1981 and to

direct the first respondent to forbear from issuing any permit under the Rice Milling Industries (Regulation) Act 1958, to the respondents 3 and 4

for opening a rice mill at A. Vellodu village.

2. It is stated in the affidavit sworn to by the petitioner, that the authorities have recommended that 16000 bags of paddy is produced from the

Adianuthu village. This is factually incorrect and contrary to the Revenue Records. The authorities have not perused the crop register to ascertain

the facts. If only the first respondent had perused the crop records for the fasli 1387, (388 and 1389 be could have come to a conclusion about

the total quantum of paddy cultivated in the area. Moreover, the public from the Adianuthu village will use only the rice milts situated in Dindigul

town and they will not come to the rice mill to be started in A. Vellodu village. In short, without ascertaining the valid accounts, crop register,

adangal extract, the authorities have wrongly reported that the paddy production is sufficient in the villages warranting establishment of a new rice

mill. It is further pointed out on behalf of the petitioner that, as per the Revenue records, Adianuthu village is having 162-71 acres of single crop

wet land and out of this only 26-32 acres are cultivated and A. Vellodu village is having 99-40 single crop wet land The total quantity of paddy

cultivable from the area cannot be more than 2500 bags.

3. Mr. B.S. Gnanadesikan, learned counsel for the petitioner, submitted that, when there is no sufficient proof to show that there was adequate

production of paddy, so as to cater to the hulling needs of the mill, it is not necessary, that apart from the petitioner's mill, licence should be

granted to the other mills. The relevant provisions of the Rice Milling Industries (Regulation) Act 1958 have been referred to by the learned counsel

for the petitioner Mr. B.S. Gnanadesikan, on the other hand, Mr. Samuel, learned Government Advocate and Mr. K. Govindarajan, learned

counsel for respondents 3 and 4, have relied upon a Bench decision of this Court reported in Thangathammal, Proprietrix, Krishna Vilas Rice Mill

Vs. Secretary, Food Department and Others, and have submitted that there is no prohibition for licence being given to the mills, which are required

to be started in that locality.

4. Under these circumstances, the only conclusion that can be arrived at is that, even on the basis of "freedom of trade", another mill cannot be

denied licence merely on the ground of any existence of another mill. Of course, the quantity of production and the necessity of another mill will

have to be taken into consideration, while granting licence to another mill which wants to come into existence in that locality. Having regard to the

facts of the instant case, before us, this Court is of opinion that there is no infirmity in the impugned proceedings taken by respondents 1 and 2

herein.

5. There is no merit in the writ petition and it is dismissed. In the circumstances of the case, there will be no order as to costs in this writ petition.