

(1998) 07 MAD CK 0029
In the Madras High Court

N. Kamalakkannan

APPELLANT

Vs

The District Collector and Another

RESPONDENT

Date of Decision : 03-07-1998

Acts Referred:

Citation : AIR 1998 Mad 361 : (1999) 1 MLJ 99

Hon'ble Judges : S.S. Subramani, J

Bench : Division Bench

Judgement

S.S. Subramani, J.—Petitioner seeks issuance of writ of certiorari calling for the records relating to the order passed by the first respondent

in his proceedings in R.C. No. 3990/98 K6, dated 20.5.1998 and quash the same and pass such further orders.

2. The petitioner is a member of Pollachi Cooperative Wholesale Stores. It is said that the said co-operative stores has been functioning for the last

27 years without any belmish whatsoever and the affairs of the co-operative stores are being taken care of and looked after by the Special Officer.

3. It is further stated that the said stores is catering to the needs of about fifty wholesale stores for which supplies are procured and supplied to

them. In each and every stores a minimum of two persons are working and the salaries are also paid from the profits by selling the goods from the

stores. These public distribution system-shops are functioning promptly and lawfully and supplying essential commodities to the customers who fall

within the limits of each of the stores without any blemish whatsoever and the public are also satisfied with the functioning of the abovesaid stores.

4. The reason for filing this writ petition is that when an order was passed whereby some of the P.D.S. shops were directed to be transferred and

allotted to other societies, as per the impugned order dated 20.5.1998. The petitioner contends that the said order has seriously affected his right

and there is no reason why these shops should be transferred to some other society. It is also stated that the order is violative of principles of

natural justice and the reasons mentioned in the order are also not correct.

5. At the time of admission, the learned Additional Government Pleader was also heard.

6. I do not think that the petitioner has any locus standi or legal right to file this writ petition. In a similar case, I have held that regarding the

distribution of essential commodities, it is the Revenue Officials who have to decide the matter and merely because one shop is transferred to

another society, it cannot be said that the legal right of the petitioner is in any way affected. This decision is reported O.1942 O. 1942 Cooperative

Bank and Others Vs. District Collector and Others, .1 have also held that the petitioner in such cases, a society or person, have no fundamental

right that he alone can deal with the essential commodities. The intention behind the Act and the various orders is to see that the essential

commodities should reach the common man at the earliest and without any difficulty. The Revenue Officials are the best persons to consider in

what way the essential commodities should reach the customers.

7. In this case, valid reason has been stated by the respondents as to why some of the shops have to be transferred. The financial position of the

petitioner-society itself was shaking and this fact is even admitted in the writ petition though the same is sought to be explained. In para 6 of the

affidavit in support of the writ petition, it is stated;

Ofcourse, in the course when the funds were in balance payable to the said store by the mill co-operative society, there was some slackness in the

purchase and sale. But at the instance and efforts taken by the special officer concerned, all the outstanding amounts were collected and now the

above Pollachi stores is having sufficient funds to meet all the necessity of purchase of goods etc.

8. This would show that the financial position was not good at least for some time and the society was not in a position to take essential

commodities in time. Naturally, under the above circumstances, the distribution system itself will be affected.

9. It must be however noted that all the shops were originally entrusted with other co-operative societies and the society in which the petitioner is a member was entrusted with dealership only temporarily. If it is a temporary entrustment the petitioner cannot complain of taking away his right and entrusting the matter to the original dealer. The petitioner-society is found to return the dealership whenever the same is directed to be returned by the authorities concerned. The petitioner is not expected to dispute the capacity of those shops and cause obstruction in the distribution of essential commodities, especially when the authorities have no doubt about the efficiency of these societies.

10. The question of violation of the principles natural justice also will not arise since none of the legal rights of the petitioner is affected. There is no adverse order against the petitioner and the legal rights of the parties are not affected by directing some of the shops to be transferred to another society. The respondents are only taking administrative action, without in any way affecting the rights of the petitioner-society. Only the temporary arrangement has been put an end to.

11. In the result, the writ petition is dismissed. No costs. Consequently, the connected W.M.Ps. are closed.