

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POU SHA, 1942

WP(C).No.16884 OF 2015(I)

PETITIONERS:

- 1 MADIYAPPADAM PADASEKHARA SAMITHI, MADIYAPPADAM, PERUVEMBA POST, PALAKKAD TALUK & DISTRICT. REPRESENTED BY THE SECRETARY, AYYAPPAN C., S/O.LATE P CHENTHUNNY, MAVUKKAD, PERUVEMBA POST, PALAKKAD TALUK & DISTRICT.
- 2 MANALIPPADAM PADASEKHARA SAMITHI, MANALIPPADAM, KOLLENGODE P.O, CHITTUR TALUK, PALAKKAD TALUK, PALAKKAD DIST. REPRESENTED BY THE SECRETARY, RAGHAVANKUTTY C, S/O.LATE E. RAGHAVAN NAIR, "RAJADEEPAM", KOTTAPPADAM", KOLLENGODE P.O, CHITTUR TALUK, PALAKKAD DIST.
- 3 PODIKULANGARA PADASEKHARA SAMITHI, MATHUR AGRAHARAM POST, ALATHUR TALUK, PALAKKAD DIST., REPRESENTED BY THE SECRETARY, P.K RAMACHANDRAN, S/O.LATE P.C KRISHNAN, PUTHENPURA, MATHUR AGRAHARAM POST, ALATHUR TALUK, PALAKKAD DISTRICT.
- 4 ELAMANNAM PADASEKHARA SAMITHI, ELAMANNAM, THENKURISSI P.O, ALATHUR TALUK, PALAKKAD DIST., REPRESENTED BY THE SECRETARY, K.A KRISHNADAS, S/O. LATE ARUCHAMI, KURUMANKADU HOUSE, THENKURISSI P.O, ALATHUR TALUK, PALAKKAD DIST.

BY ADVS.
SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS:

- 1 THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVT., DEPARTMENT OF CIVIL SUPPLIES, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
- 2 THE KERALA STATE CIVIL SUPPLIES CORP.LTD., P.B NO 2030, MAVELI BHAVAN, MAVELI ROAD, GANDHI NAGAR, KOCHI - 20, REP.BY THE MANAGING DIRECTOR.

- 3 THE PADDY MARKETING OFFICER,
PADDYCO OFFICE, NEAR MANORAMA, PALAKKAD-1.
 - 4 THE CHAIRMAN, PADDY DEVELOPMENT AGENCY (THE DISTRICT
COLLECTOR), CIVIL STATION, PALAKKAD-678 001.
 - 5 SUNDARAN, THE PROPRIETOR, S.S RICE MILL,
KINASSERI POST, PALAKKAD DIST.-678 502.
 - 6 PUSHPAN, KOTTARAM MODERN RICE MILL, VATTEKKAD P.O,
KOLLENGODE, CHITTUR TALUK, PALAKKAD DIST.-678 508.
 - 7 K.K. KARNAN, CHAIRMAN/MANAGING DIRECTOR,
K.K.R AGRO MILL, OKKAL P.O, KALADY,
ERNAKULAM DIST.
 - 8 KOLLUPARAMBU PADASEKHARA SAMITHI,
KOLLUPARAMBU, VERKOLI, PANAYUR P.O, ATHIKODE,
POLPULLY PANCHAYAT, PALAKKAD TALUK & DIST.,
REPRESENTED BY THE SECRETARY, ARAVINDAKSHAN,
S/O. BALAKRISHNAN, KOLLUPARAMBU, VERKOLI,
PANAYUR P.O, ATHIKODE, POLPULLY PANCHAYAT,
PALAKKAD TALUK & DIST.-678 509.
 - 9 NIRUPAMARODE PADASEKHARA SAMITHI,
PANAYUR KALAM, PANAYUR P.O, ATHIKODE,
POLPULLY PANCHAYAT, PALAKKAD TALUK & DIST.
REPRESENTED BY THE SECRETARY, DIVAKARAN,
PANAYUR KALAM, PANAYUR P.O, ATHIKODE,
POLPULLY PANCHAYAT, PALAKKAD TALUK & DIST.-678 509.
- *ADDL.R10 THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF LABOUR AND REHABILITATION,
THIRUVANANTHAPURAM-695 001.

*ADDL.R10 IS SUO MOTU IMPLEADED AS PER ORDER DATED
22.12.2020.

BY ADVS. SRI.T.M.RAMAN KARTHA
SRI.SUNIL KUMAR A.G
SMT.MOLLY JACOB, SC, SUPPLYCO
SRI.S.GOPINATHAN, SR.GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
22.12.2020, ALONG WITH WP(C).8564/2020(U), THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST Pousha, 1942

WP(C).No.8564 OF 2020 (U)

PETITIONERS:

- 1 MUTHALAMTHODU MANI, AGED 74 YEARS,
VILAYODI.P.O, CHITTUR, PALAKKAD-678 103.
- 2 K.VENU, PUTHANKALAM, VADAVANNUR.P.O,
PALAKKAD-678 504.
- 3 K.SIVANANDAN, PALANCHERRIKALAM, NENMENI,P.O,
KOLLENGODE, PALAKKAD -678 506.
- 4 V.SIVADAS, THAMARAPURACKAL HOUSE, KATTILAMPARA,
ELAPPULLY.P.O, PALAKKAD-678 622.
- 5 V.S.SAJEESH, BALANPARAMBU, KUTHANOR.P.O,
PALAKKAD-678 721.
- 6 THOMAS JOHN, KARUVALLIL HOUSE, VADAKKANCHERRY.P.O,
PALAKKAD-678 683.
- 7 B.SASIKUMAR, KALAPPAKKAL HOUSE, CHENGANYUR,
MATHUR, PALAKKAD.

BY ADVS.

SRI.K.RAMAKUMAR (SR.)
SRI.T.RAMPRASAD UNNI
SRI.S.M.PRASANTH
SRI.G.RENJITH
SMT.R.S.ASWINI SANKAR
SRI.T.H.ARAVIND

RESPONDENTS:

- 1 THE DISTRICT COLLECTOR, CIVIL STATION,
PALAKKAD-678 001.
- 2 THE DISTRICT LABOUR OFFICER,
OFFICE OF THE DISTRICT LABOUR OFFICER,
PALAKKAD-678 001.

3 THE KERALA STATE CIVIL SUPPLIES CORPORATION LIMITED
(A FULLY OWNED GOVERNMENT OF KERALA UNDERTAKING),
P.B.NO.2030, MAVELI BHAVAN, MAVELI ROAD,
GANDHI NAGAR, KOCHI-682 020, REPRESENTED BY ITS
MANAGING DIRECTOR.

*ADDL.R 4 THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF LABOUR AND REHABILITATION,
THIRUVANANTHAPURAM-695 001.

*ADDL.R4 IS SUO MOTU IMPLEADED AS PER ORDER DATED
22.12.2020.

BY ADVS. SMT.MOLLY JACOB,SC,SUPPLYCO
SRI.S.GOPINATHAN, SR.GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
22.12.2020, ALONG WITH WP(C).16884/2015(I), THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

[WP(C) .16884/2015, WP(C) .8564/2020]

Dated this the 22nd day of December 2020

These writ petitions are filed by the Padasekhara Samithies and paddy cultivators in the Palakkad District.

2. The issue involved in both the writ petitions is common. Therefore, it is appropriate to dispose of the cases by a common judgment.

3. The Government of Kerala have implemented the paddy procurement scheme and entrusted the Kerala State Civil Supplies Corporation (hereinafter referred to as 'Civil Supplies Corporation') as an implementing agency for paddy procurement. The Civil Supplies Corporation formulated certain guidelines for procurement of

paddy from farmers. The Civil Supplies Corporation is the implementing agency for paddy procurement, processing and marketing as authorised by the State Government. They do not have modern rice mill to process the paddy. Therefore, activities related to the scheme like transporting of paddy, storage, processing and distribution of rice are being carried through private entrepreneurs on contract basis. The farmers have to bring the paddy to the procurement centre. The contracted mills will arrange transportation of paddy from the procurement centres to mills. In the guidelines, it is stated that the farmers have to bring the products at the procurement centre determined by the paddy marketing officer.

4. The problem presented in these cases is in

regard to levy of charges by the contractors towards loading of paddy to the lorries.

5. The learned counsel for the petitioners submitted before this Court that different rates have been levied from the farmers depends upon the distance and the collection does not have uniformity. It is also submitted that as per guidelines, the farmers are not bound to pay such charges to the contractors.

6. This Court on 16.03.2016 in W.P.(C) No. 16884/2015 passed the following interim order:

The petitioners will have to carry paddy up to the storage point as per Ext.P5. However, the loading charges, thereafter, shall be borne by the Civil Supplies Corporation. It is open for the Corporation to ensure that either the contractor pays the loading charges or pay the loading charges by the Corporation and recover the same from the contractors in accordance with the agreement.

7. Thereafter, alleging non-compliance of the

above order, contempt cases were filed. Taking note of the different issues pertaining to the paddy procurement, this Court has directed the Paddy Marketing Officer to formulate issues and file a report. Report of the Paddy Marketing Officer was submitted on 12.11.2020. After highlighting the issues, the Paddy Marketing Officer was of the view that the payment of charges by the farmers for loading paddy to the vehicles of miller can be avoided by notifying the procurement centres. It was also opined that the excess charges by the headload workers can be avoided, if the Government notify fare uniform charges.

8. As per the guidelines, the farmers are duty bound to give paddy either to the procurement centre or other places. It is to be noted that there is

no authorised procurement centre and no calculation of the distance involved for carrying the products by each farmers.

9. The entire idea of entrusting the Civil Supplies Corporation was taking note of the welfare of the farmers. The Government must ensure that the burden on the farmers is minimized to the maximum extent possible. The Government also taking note of the grievance of an individual farmer shall find out he is not put with heavy financial burden for carrying the paddy to the procurement centres. Taking note of the geographical location of the paddy cultivation, the Government can also very well notify the procurement centre so as to minimize the burden.

10. Having considered the facts and

circumstances, I am of the view that this matter requires deeper consideration by the Government. The Department of Civil Supplies in consultation with the Labour and Rehabilitation Department shall take a decision in the matter. It is only after adverting to the issues as referred in the report of the Paddy Marketing Officer, the final decision can be taken by the Government. The Government shall also consider any other suggestions made by the petitioners. Since the harvest season is nearing, the matter requires urgent consideration by the Government. Accordingly, it is appropriate to direct the Secretary to the Government, Department of Civil Supplies Corporation, takes a decision in the matter, within a period of one month, after hearing the petitioners in both writ petitions as well as

authorised officials of Civil Supplies Corporation and representatives of contractors, if any. The petitioners shall produce a certified copy of this judgment and the report of the Paddy Marketing Officer before the Government for compliance.

The writ petitions are disposed of as above.

sd/-

A .MUHAMED MUSTAQUE
JUDGE

Issue copy today itself.
akv

APPENDIX OF WP (C) 16884/2015

PETITIONER'S/S EXHIBITS:

- EXHIBIT P1 EXHIBIT P1 TRUE COPY OF THE REGISTRATION CERTIFICATE OF PETITIONER NO.1
- EXHIBIT P2 EXHIBIT P2 TRUE COPY OF THE REGISTRATION CERTIFICATE OF PETITIONER NO.2
- EXHIBIT P3 EXHIBIT P3 TRUE COPY OF THE REGISTRATION CERTIFICATE OF PETITIONER NO.3
- EXHIBIT P4 EXHIBIT P4 TRUE COPY OF THE REGISTRATION CERTIFICATE OF PETITIONER NO.4
- EXHIBIT P5 TRUE COPY OF THE GENERAL DIRECTIONS (CLAUSES 1 TO 17) REGARDING THE PADDY PROCUREMENT BY THE RESPONDENTS NO.1 TO 4 ,FROM THE FARMERS.
- EXHIBIT P6 TRUE COPY OF THE AGREEMENT ENTERED BETWEEN THE RESPONDENT NO.2 AND M/S. GEEYEM AGRO MILLS ON 06.12.2014
- EXHIBIT P7 TRUE COPY OF THE NEWS ITEM COVERED BY MATHRUBHUMI DAILY DATED 26.02.2016
- EXHIBIT P8 TRUE COPY OF THE COMMUNICATION DATED 17.11.2015 ISSUED FROM THE OFFICE OF THE RESPONDENT NO.2.
- EXHIBIT P9 TRUE COPY OF THE COMMUNICATION DATED 7.9.2020 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P10 TRUE COPY OF THE DETAILS OF THE HEAD LOADING CHARGES APPLICABLE AS ON 24.01.2019 IN PALAKKAD DISTRICT REGARDING VARIOUS MATERIALS (SERIAL NO.479 TO 514) ISSUED BY THE DISTRICT LABOUR OFFICER, PALAKKAD.

RESPONDENT'S/S EXHIBITS:

- EXHIBIT R2 (a) PHOTO COPY OF THE PADDY PROCUREMENT SCHEME PETITION.
- ANNEXURE 1 PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY PETITIONERS BEFORE 3RD RESPONDENT (WITHOUT ENCLOSURES) .

//TRUE COPY//
PA TO JUDGE

APPENDIX OF WP (C) 8564/2020

PETITIONER'S/S EXHIBITS:

- EXHIBIT P1 TRUE COPY OF THE APPLICATION DATED 10.12.2019 SUBMITTED BY ONE OF THE PETITIONERS.
- EXHIBIT P2 TRUE COPY OF THE REPLY DATED 17.01.2020 RECEIVED TO EXHIBIT P1 APPLICATION.
- EXHIBIT P3 TRUE COPY OF THE COMMUNICATION DATED 17.11.2015 OF THE 3RD RESPONDENT CORPORATION.
- EXHIBIT P4 TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 7TH PETITIONER BEFORE THE 2ND RESPONDENT DATED 08.04.2019.
- EXHIBIT P5 TRUE COPY OF THE ORDER DATED 16.03.2016 IN W.P. (c) NO.16984 OF 2015.
- EXHIBIT P6 TRUE COPY OF THE DETAILED NOTE SUBMITTED BY PETITIONERS 1 TO 6 BEFORE THE 2ND RESPONDENT DATED 13.03.2020.
- EXHIBIT P7 TRUE COPY OF THE COMPLAINT DATED 20.02.2020 SUBMITTED BY DESIYA KARSHAKA SAMAJAM, PALAKKAD BEFORE THE 2ND RESPONDENT.

EXHIBIT ALONG WITH REPLY AFFIDAVIT

- EXHIBIT P6 TRUE COPY OF COMMUNICATION NO. EST.5-969/20(1) DT.7/9/2020 ISSUED BY THE 3RD RESPONDENT CORPORATION

RESPONDENT'S/S EXHIBITS:

- EXHIBIT R3 (a) : PHOTOCOPY OF THE AGREEMENT EXECUTED BY KERALA STATE CIVIL SUPPLIES CORPORATION LTD., WITH PADDYCO DATED 28/09/2019.
- EXHIBIT R3 (b) : PHOTOCOPY OF THE PADDY PROCUREMENT SCHEME NOTIFIED IN THE PADDY PORTAL OF SUPPLYCO DATED 07/09/2020.
- EXHIBIT R3 (c) : PHOTOCOPY OF THE APPLICATION SUBMITTED BY PRIJITH KUMAR ON LINE ON 27/08/2019 FOR REGISTRATION AS FARMER FOR THE CROP SEASON 2019/2020.

EXHIBIT R3(d) : PHOTOCOPY OF THE APPLICATION SUBMITTED BY SRI.PRIJITHKUMAR ONLINE ON 16/10/2020 FOR FARMERS REGISTRATION FOR THE CROP SEASON 2020-2021.

EXHIBIT R3(e) : PHOTOCOPY OF THE APPLICATION DATED 24/08/2020 SUBMITTED BY 2ND PETITIONER FOR FARMER REGISTRATION FOR THE CROP SEASON 2019-2021.

EXHIBIT R3(f) : PHOTOCOPY OF THE APPLICATION DATED 09/10/2020 SUBMITTED BY 2ND PETITIONER FOR FARMER REGISTRATION FOR THE CROP SEASON 2020-2021.

//TRUE COPY//
PA TO JUDGE