

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2015

Coram

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.6766 of 2014

P.Rangaswamy

...Petitioner

Vs.

1. The Directorate of Dairy Development Board,
rep. by the Commissioner,
Madhavaram Milk Colony,
Chennai - 600 051.
2. The Deputy General Manager (Bulk Vending Unit)
The Tamil Nadu Co-operative Milk Producer Federation Ltd.,
3-A, P.M.R. Salai, Nandanam,
Chennai - 600 035.
3. The Joint Managing Director,
The Tamil Nadu Co-operative Milk Producer Federation Ltd.,
29 & 30, Industrial Estate,
Ambattur, Chennai - 600 098.
4. The Manager (Sales)
Aavin Block Office,
T.Nagar, Chennai - 600 017.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the second respondent to re-allot concessionaire, AVM 024, at Pondy Bazaar, or AVM 006 at Mylapore, or any other AVM Concessionaire based on the petitioner's representation dated 25.03.2013.

For Petitioner : Mr.M.Rajendiran
For Respondents : No appearance

O R D E R

Heard Mr.M.Rajendiran, the learned counsel appearing for the petitioner. Though the respondents have been served and their names are also printed in the cause-list, none appeared on their behalf.

2 The petitioner is a concessionaire of the respondent-Corporation, and was entitled to sell milk and milk allied products. According to the petitioner, there is disturbance by the third respondent often, as a result, the petitioner could not peacefully carry on his business activities. Furthermore, it is submitted that the area, which was being run by another Booth owner, where there were no sales, was merged with the petitioner's Booth, as a result of which, the Officials were putting tremendous pressure on the petitioner to increase the sales and the petitioner was put to hardship. The petitioner would further state that actions were taken to some how cancel the petitioner's concessionaire agreement and allot it to some other person of their choice. Whiles, to cause further trouble to the petitioner, so as to obliterate the petitioner's Booth, another person was permitted to put up a kiosk, appurtenant to the petitioner's Booth to sell Aavin products, who is dumping all the wastes in front of the petitioner's Booth. Aggrieved by the said act, the petitioner submitted several representations, but the same evoked no response. When the petitioner was away from the Booth due to personal reasons, it appears that the Vigilance Squad of the respondent-Corporation inspected the petitioner's Booth and they had affixed notice, dated 05.12.2012, by which, the concessionaire agreement executed by the petitioner was cancelled. The petitioner was not served with prior notice, and without affording an opportunity to the petitioner, by affixture of notice, the order, dated 05.12.2012, was implemented, and all the belongings of the petitioner were thrown out. In this regard, the representations made by the petitioner are still pending. Now that, the petitioner is no longer concessionaire of the respondent-Corporation and his agreement has been terminated. Since termination has been done without prior notice, this Court is of the view that the petitioner should be granted an opportunity to submit his objection to the proceedings, dated 05.12.2012, wherein, five defects have been pointed out. Though the proceedings dated 05.12.2012, was not served on the petitioner, but affixed in the petitioner's Booth premises, the petitioner, having come to know of the same, including the allegations contained therein, without going into the merits of the case, there shall be direction to the petitioner to submit his objection/explanation to the allegations stated in the notice, dated 05.12.2012. As and when such objection/explanation is being submitted by the petitioner to the second respondent, the second respondent shall conduct proper enquiry and pass speaking order in accordance with law, within a period of three weeks from the date of receipt of objection.

3. With the above observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

sd

To

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+1 CC to Mr.M.Rajendiran, Advocate SR.NO.6461

+1 CC to Government Pleader, SR.NO.6636

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SKV(CO)
DRL :21/02/2015