

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.07.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.11395 and 11396 of 2013
and
M.P.Nos.1 + 1 of 2013

1. The South India Road
Milk Transport
Rep.by its Proprietor
Vaidhyanathan,
No.76, 12th Avenue,
Ashok Nagar,
Chennai-600 083.

..Petitioner in W.P.No.11395/2013

2. M/s.Deepika Transport,
Represented by its
Proprietrix V.Revathy,
No.76, 12th Avenue, Ashok Nagar,
Chennai-600 083.

..Petitioner in W.P.No.11396/2013

- Vs -

1. The District Collector/
Special Officer,
Krishnagiri District,
Krishnagiri.

2. The General Manager,
The Dharmapuri Co-operative
Milk Producers Union Ltd., DPD 82,
Kanagamutulu P.O.
Krishnagiri-635 001.

3. The Commissioner for
Milk Production
and Dairy Development cum
Managing Director,
Tamil Nadu Co-operative Milk
Producers Federation Ltd.,
Madhavaram, Chennai-600 051.

4. The Secretary,
Government of Tamil Nadu,
Animal Husbandry and Fisheries
Department,
Fort St.George, Chennai-600 009.

5. The Deputy General Manager
(Transports)JMD Unit,
Madhavaram Milk Colony,
Madhavaram, Chennai-600 051.

... Respondents in both W.Ps.

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to passing of the impugned order dated 18.02.2013 made in Ref.3151/TPL1/2012-1 on the file of the 2nd respondent, quash the same and direct the 2nd respondent to implement the rate as confirmed in the award dated 2.4.2012 made in Ref.No.7265/TPT.1/2011 issued to the petitioner by the 2nd Respondent in respect of the tender contract awarded for the period from 02.04.2012 to 31.03.2014.

For Petitioner : No Appearance

For Respondents 1 and 3 : Mr.V.Selvaraj

For 2nd Respondent : Mr.S.Sathish Rajan

C O M M O N O R D E R

The petitioner has filed these writ petitions challenging the impugned order dated 18.02.2013, passed by the 2nd respondent.

2. The learned Additional Government Pleader submits that this writ petition is not maintainable in the light of the Full Bench judgment of this Court rendered in the case of K.Marappan v. The Deputy Registrar of Co-operative Societies, Namakkal reported in 2006 (4) CTC 689 wherein the relevant portion of the order is extracted as under:

'In the absence of special circumstances, the Court will not ordinarily exercise power under Article 226 of the Constitution of India when the Act provides for an alternative remedy.'

3. Therefore, the petitioner is having an alternative remedy. Hence, in the light of the above cited judgment, these writ petitions are dismissed as not maintainable. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The District Collector/Special Officer,
Krishnagiri District, Krishnagiri.

2. The Secretary,
Government of Tamil Nadu,
Animal Husbandry and Fisheries Department,
Fort St.George, Chennai-600 009.

+ 1 cc to Mr.Government Pleader SR.49426

W.P.Nos.11395 and 11396 of 2013
and
M.P.Nos.1 + 1 of 2013

SKS(CO)
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