



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.10.2017

CORAM:

**THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND**

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.[MD].No.19960 of 2015

and

C.M.P.[MD]No.1 of 2015

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TYD, 1379, Co-operative Milk Producers Society,
Pandavamangalam,
Represented by its President Kumar,
S/o. Ganapathy,
Residing at,
421/5, K.J.Illa,,
Shanmugasigamani Nagar,
Kovilpatti, Tuticorin District.

: Petitioner

Vs.

- 1.The Secretary to Government,
Animal Husbandry, Dairy
and Fisheries Development Department,
Secretariat of Tamil Nadu State Government,
St.George Fort, Chennai.
- 2.Managing Director,
Co-operative Milk Producers Federation,
Madhavaram, Chennai.
- 3General Manager,
Tirunelveli Co-operative Milk Producers Union,
Reddiarpatti,
Tirunelveli,
Tirunelveli District.
- 4.Deputy Registrar,
Co-opertative Society (Dairying),
Tirunelveli,
Tirunelveli District.
- 5.Special Officer,
Kovilpatti Aavin Milk Chilling Center,
Kovilpatti,
Tuticorin District.
- 6.S.Velmurugan,
Extension Officer/ Aavin Special Officer,
Kovilpatti Aavin Milk Chilling Center,
Sankarankovil,
Tirunelveli District.

: Respondents



PRAYER: Writ Petition is filed under Clause Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first, second and third respondents to ensure the Transparency procedures in Society wise Milk collection through the installation of milko scanner, weighing machine and internet connection in the milk van by enabling to know on the spot of the quality and quantity of milk which produced by the milk producers and initiate action against the fifth and sixth respondent for malpractice committed by them in Society wise Milk collection, by considering petitioner's representation dated 31.10.2015, within the period that may be stipulated by this Court.

For Petitioner : Mr.B.Senthilkumar
 For Respondents 1, 2 & 4 : Mr.R.Karthikeyan
 Additional Government Pleader
 For Respondent No.3 : Mr.Aayiram K.Selva Kumar
 Government Advocate
 For Respondents 5 & 6 : No appearance

O R D E R

[Order of the Court was delivered by The Hon'ble Chief Justice]

This Writ Petition has been filed by the President, Co-operative Milk Producers Society, Pandavamangalam, seeking a Writ in the nature of Mandamus, directing the respondents 1 to 3 to install milk scanner, weighing machine and internet connection in the milk van for testing on the spot the quality and quantity of milk, which is supplied by the milk producers.

2. On behalf of the respondents, objection is taken to the reliefs prayed for by the petitioner on the purported ground that action has been initiated against some of the milk producers being members of the Co-operative Milk Producers Society on the ground of adulteration, short supply etc.,.

3. The mere fact that the petitioner is the President of the Milk Producers Society and that proceedings have been initiated against some of the members of the Milk Producers Society does not dis-entitle the petitioner from filing a Public Interest Litigation.

4. The object of public interest litigation is to make justice available to the public at large. It is often found that the disadvantaged, the underprivileged, the deprived, the illiterate, the semi literate and the differently abled have no access to justice. To ensure that such persons are not denied their legitimate rights, a new branch of litigation known as public interest litigation and/or social interest litigation has evolved. The Courts have also often *suo motu* initiated proceedings.



5. In *pro bono publico* proceedings, the Courts intervene when the Courts find that there has been neglect on the part of the State, a lack of probity in public life, abuse of power. *Pro bono publico* interest litigation gives way to substantive concern for deprivation of rights. The rule of *locus standi* has been diluted. In public interest litigation, the Court is not simply a disinterested and dispassionate adjudicator, but an active participant in the dispensation of justice. The key factors in public interest litigation are deprivation of rights and the need to secure the rights of a class.

6. It is true that ordinarily, Public Interest Litigations are filed by persons who are completely disinterested. As observed by the Supreme Court in *Raunag International Ltd. v. I.V.R. Constructions Ltd. and others*, reported in AIR 1999 SC 393, public interest litigation should not be a mere cloak. The Court must be satisfied that there is an element of public interest before entertaining a petition.

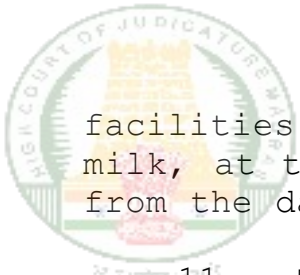
7. Even though the petitioner might have moved the Court due to some private interest, the Court might interfere in public interest, where there is some illegality and/or injustice affecting the public at large and/or a group and/or section of people. In *Ashok Lanka v. Rishi Dixit*, reported in AIR 2005 SC 2821, the Supreme Court opined that it is well settled that even in a case where a petitioner might have moved the Court in his private interest and for redressal of personal grievances, the Court in furtherance of public interest, may treat it necessary to enquire into the state of affairs of the subject of litigation in the interest of justice. This was also the view taken in *Guruvayoor Devaswom Managing Committee v. C.K. Rajan*, reported in (2003) 7 SCC 546, *Shivajirao Nilangekar Patil v. Dr. Mahesh Madhav Gosavi*, reported in (1987) 1 SCR 458, and *Chairman & MD, BPL Ltd. v. S.P. Gururaja and others*, reported in AIR 2003 SC 4536.

8. Milk is an essential Commodity. The ultimate consumers are primarily children, apart from the sick, the convalescent and others in need of nutrition. The consumers have a right to be supplied with milk of requisite standard.

9. To pinpoint, the source of adulteration and manipulation, it is imperative that the quality and quantity of the milk be checked at the first point and thereafter again before packaging.

10. Testing the quality of milk by use of Lactometer and/or Milk scanner takes minutes and we are unable to accept the submission that such devices cannot be installed, because it will

<https://hccasescourts.gov.in/hccservices/> direct the first and second respondents to ensure that all Milk Vans, which carry milk, are installed with Milk Scanners and/or Lactometers, Weighing Machines and other necessary



facilities for testing the quality and measuring the quantity of milk, at the initial point. This shall be done within four months from the date of communication of this order.

11. The Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Animal Husbandry, Dairy
and Fisheries Development Department,
Secretariat of Tamil Nadu State Government,
St.George Fort, Chennai.
- 2.Managing Director,
Co-operative Milk Producers Federation, Madhavaram, Chennai.
- 3.General Manager,
Tirunelveli Co-operative Milk Producers Union,
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Tirunelveli, Tirunelveli District.
- 5.Special Officer,
Kovilpatti Aavin Milk Chilling Center,
Kovilpatti,
Tuticorin District.

+1cc to M/S.B.SENTHIL KUMAR, Advocate SR.No.83913
+1cc to M/S.AAYIRAM K.SELVA KUMAR, Advocate SR.No.83592
+1cc to Special Government Pleader, SR.No.83630

NB/RSB

MAS/JC/SAR2:09.11.2017:4P-9C

**ORDER MADE IN
W.P. [MD] .No.19960 of 2015
25.10.2017**