

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2018

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

W.P.No.5192 of 2018

and

WMP.No.6353 of 2018

M/s.Chennai Goods Transport Owners Service
Industrial Co-operative Society Ltd.,
Rep. by its President Thiru.R.Padmanabhan
Kumbath Complex, Basement Shop No.3,
Aminjikarai, Chennai-600029.Petitioner

vs

- 1.The Government of Tamil Nadu
Represented by its Principal Secretary
Co-operation, Food and Consumer
Protection Department
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Joint Managing Director
The Tamil Nadu Co-operative
Milk Producers Federation Ltd.,
Corporate Office
No.2, Pasumpon Muthuramalingam Salai,
Nandanam, Chennai-600 035.
- 3.The General Manager (Marketing)
The Tamil Nadu Co-operative
Milk Producers Federation Ltd.,
Corporate Office
No.2, Pasumpon Muthuramalingam Salai,
Nandanam, Chennai-600 035.Respondents

Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records relating to the 3rd respondent impugned notices of termination bearing Ref.Nos.5995/P1/2017 dated 05.01.2018 in respect of vehicle No.TN-18-AA-0669 in Route No.89, 5995/P1/2017 dated 12.02.2017 in respect of vehicle No.TN-30-P-7267 in Route No.32 and 5995/P1/2017 dated 12.02.2018 in respect of Vehicle No.TN-05-R-6261 in Route No.85 and quash the same as illegal.

For petitioner : Mr.A.Arumugam

For Respondents : Mrs.T.Girija
Government Advocate

O R D E R

This writ petition is filed challenging the three proceedings dated 05.01.2018, 12.02.2018 and 12.02.2018, which are nothing but the show cause notices, calling upon the petitioner to give explanation as to why the contract given to the petitioner shall not be terminated for the reasons stated in the said notices.

2. It is an admitted fact that the petitioner has already sent the explanation to the above said show cause notices. Therefore, the petitioner has to wait for the final order to be passed by the concerned authority. On the other hand, the petitioner has chosen to approach this Court and filed the present writ petition challenging the very said show cause notices themselves, which in my considered view, is not maintainable. Needless to say that when the show cause notices are issued by the competent authority having jurisdiction in the issue, it is for the petitioner to give explanation and if an adverse order is passed against the petitioner, after considering their objections, they can challenge the same before appropriate forum. That stage has not reached so far. Therefore, without expressing any view on the merits of the claim made by the petitioner, this writ petition is dismissed as not maintainable, however, by granting liberty to the petitioner to agitate the matter before the appropriate forum, by raising all the grounds, if any adverse order is passed against the petitioner in pursuant to the show cause notices and after considering the objections raised by the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते
-sd/-

Assistant Registrar

True Copy

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Sub-Assistant Registrar

To

- 1.The Principal Secretary
The Government of Tamil Nadu
Co-operation, Food and Consumer Protection Department
Secretariat, Fort St.George,Chennai-600 009.

2.The Joint Managing Director
The Tamil Nadu Co-operative Milk
Producers Federation Ltd.,
Corporate Office
No.2, Pasumpon Muthuramalingam Salai,
Nandanam, Chennai-600 035.

3.The General Manager (Marketing)
The Tamil Nadu Co-operative Milk
Producers Federation Ltd.,
Corporate Office
No.2, Pasumpon Muthuramalingam Salai,
Nandanam, Chennai-600 035.

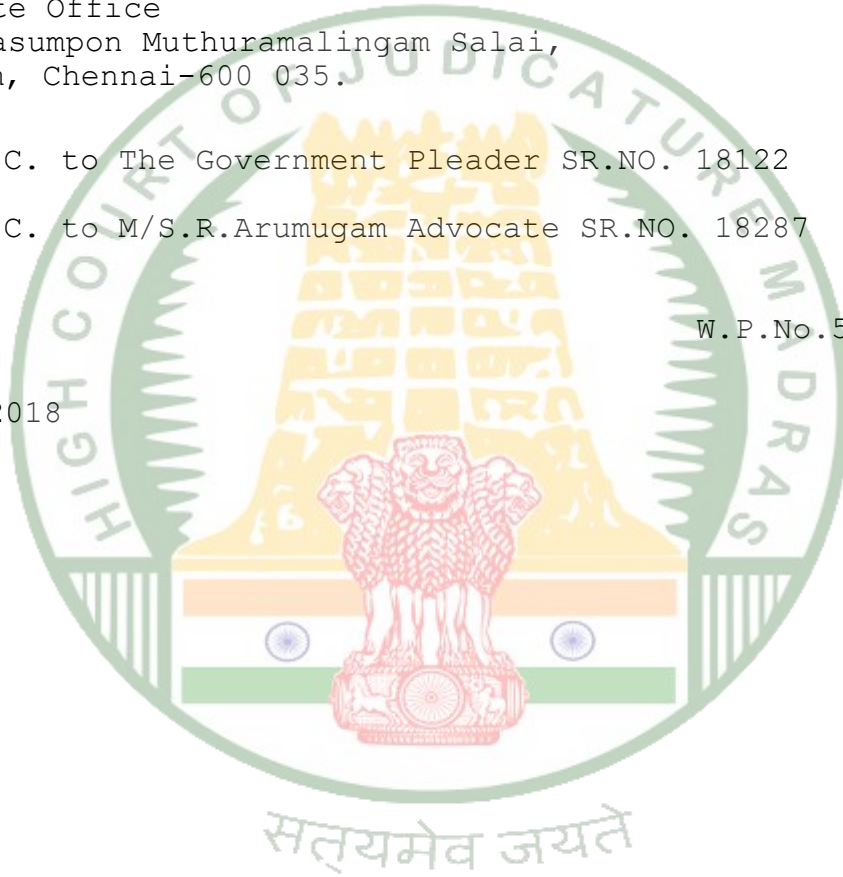
+1 C.C. to The Government Pleader SR.NO. 18122

+1 C.C. to M/S.R.Arumugam Advocate SR.NO. 18287

W.P.No.5192 of 2018

KAN (CO)

VS 22.03.2018



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