

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.35 of 2018

Ezhilarasi

... Petitioner

vs.

1. Managing Director,
Tamil Nadu Cooperative Milk
Producers Federation Ltd.,
Aavin Illam,
Madhavaram Milk Colony,
Chennai - 600 051.
2. General Manager (Marketing)
Tamil Nadu Cooperative Milk Producers Federation Ltd.,
2, pasumpon Muthuramalingam Salai,
Nandanam,
Chennai - 600 035.
3. Regional Manager,
Villupuram-Cuddalore Cooperative
Milk Producers' Federation Limited,
Villupuram - 605 602
4. A.Raja

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents 1 to 3 to cancel the licence of the 4th respondent to run "Aavin Parlour" at Silver Beach, Devanampattinam, Cuddalore.

For Petitioner : Mr.RMD.Nazorullah
for Mr.R.Gururaj

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader
for R1 to R3

O R D E R

Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal.

2. The petitioner seeks for a Mandamus directing the respondents 1 to 3 to cancel the licence of the 4th respondent to run "Aavin Parlour" at Silver Beach, Devanampattinam, Cuddalore, on the reason that the 4th respondent is selling other products than the Aavin products which alone he should sell in his shop.

3. It is seen that the petitioner has already made a complaint before the 3rd respondent, who in turn sought explanation from the 4th respondent. It is further seen that the 4th respondent, through his explanation dated 20.07.2017, informed the 3rd respondent that he is not selling any other products other than the Aavin products. Therefore, the petitioner was informed by the 3rd respondent through communication dated 28.08.2017 that the 4th respondent is not selling any other products other than the Aavin products. It is also stated in the said communication that if the petitioner is willing to file any appeal, he can do so before the Appellate Authority.

4. Considering the above stated facts and circumstances, particularly, the proceedings issued by the 3rd respondent dated 28.08.2017, based on the representation/explanation made by the 4th respondent, I do not think that the petitioner can maintain the present writ petition by making the very same complaint once again. However, if the petitioner is still aggrieved by claiming that the 4th respondent is selling other products, such grievance is to be considered only by the fact finding authority. Therefore, it is open to the petitioner to file an Appeal against the said proceedings dated 28.08.2017 before the appropriate Appellate Authority. By granting such liberty, the writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

vsi

To

1. Managing Director,
Tamil Nadu Cooperative Milk
Producers Federation Ltd.,
Aavin Illam,
Madhavaram Milk Colony,
Chennai - 600 051.

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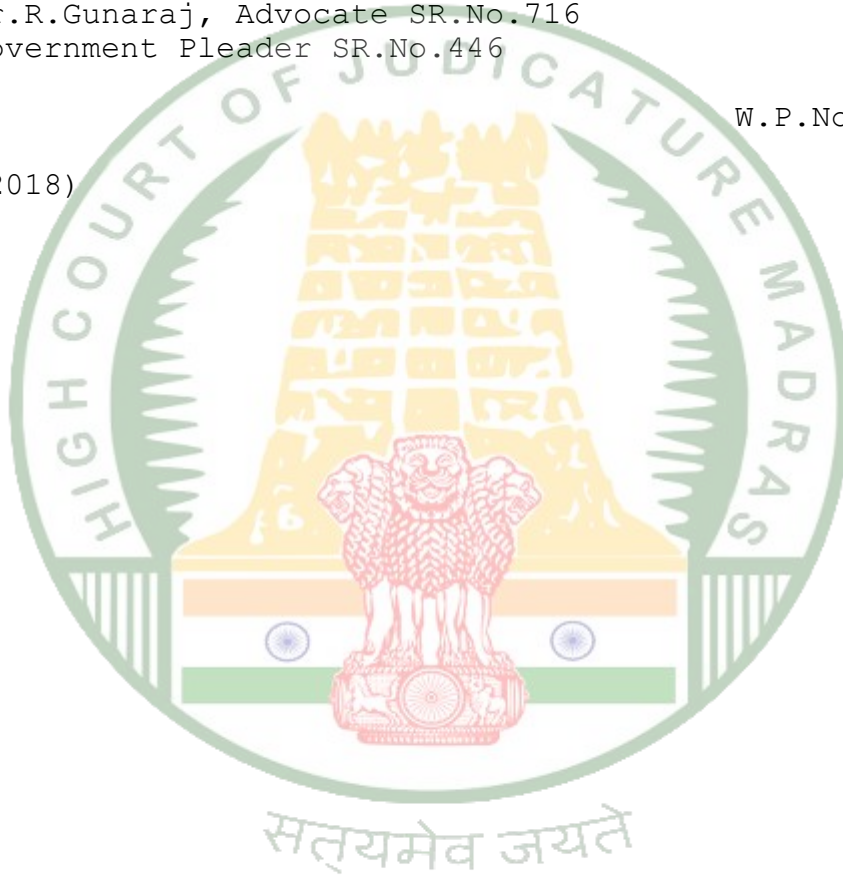
2. General Manager (Marketing)
Tamil Nadu Cooperative Milk Producers Federation Ltd.,
2, pasumpon Muthuramalingam Salai,
Nandanam,
Chennai - 600 035.

3. Regional Manager,
Villupuram-Cuddalore Cooperative
Milk Producers' Federation Limited,
Villupuram - 605 602

+1cc to Mr.R.Gunaraj, Advocate SR.No.716
+1cc to Government Pleader SR.No.446

W.P.No.35 of 2018

RSY(CO)
GN(19/01/2018)



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