

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2018

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P. No. 24555 of 2018
and
W.MP.Nos.28587 & 28588 of 2018

Sujayini Bhaarath

... Petitioner

Vs.

1.The Managing Director,
The Tamilnadu Co-operative
Milk Producers Federation Ltd,
Avin illan, Madhavaram Milk Colony,
Chennai-51.

2.The General Manager (MKG)
The Tamilnadu Co-operative
Milk Producers Federation Ltd,
Corporate Office, No.2,
Pasumpon Muthuramalinganar Salai,
Nandanam, Chennai-35.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records pertaining to second respondent bearing in No.3923/ N4/ MKg./ 2018 dated 26/07/2018 and quash the order dated 26/07/2018 terminating the Concessionaire of the petitioner.

For Petitioner : Mr.P.Sidharthan

For Respondents : Mr.L.P.Shanmugasundaram

Special Government Pleader

O R D E R

This writ petition has been filed challenging the order passed by the second respondent terminating the petitioner's directing the petitioner's concessionaire for selling Aavin Milk.

2. The grievance of the petitioner is that without conducting any enquiry whatsoever the impugned order has been passed.

3. The learned counsel for the petitioner has submitted that challenging the verysame order, he has already

filed an appeal before the first respondent on 11.09.2018 and now the appeal is pending with the first respondent, but so far no order has been passed.

4. Considering the fact that already the petitioner herself filed an appeal against the very same order before the appellate authority, now she cannot maintain the Writ Petition challenging the very same order. Hence this Writ Petition is not maintainable.

5. Accordingly, the Writ Petition is dismissed. However since the appeal is pending with the first respondent, the first respondent is directed to consider the petitioner's appeal and pass suitable order on merits and in accordance with law, after giving opportunity to the petitioner, within a period of four weeks from the receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

mrp

To

1.The Managing Director,
The Tamilnadu Co-operative
Milk Producers Federation Ltd,
Avin illan, Madhavaram Milk Colony,
Chennai-51.

2.The General Manager (MKG)
The Tamilnadu Co-operative
Milk Producers Federation Ltd,
Corporate Office, No.2,
Pasumpon Muthuramalinganar Salai,
Nandanam, Chennai-35.

+1cc to Mr.P.Sidharthan, Advocate, S.R.No. 65640
+1cc to the Government Pleader, S.R.No. 65498

W.P. No. 24555 of 2018

RSI (CO)
GN(25/10/2018)