



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.9604 of 2018

P.Krishnamurthy

... Petitioner

vs.

1.The General Manager (AAVIN)
Tiruchirappalli District Co-operative
Milk Producers Union Limited
Kottapattu, Tiruchirappalli District

2.The Deputy General Manager (AAVIN)
Tiruchirappalli District Co-operative
Milk Producers Union Limited
Kottapattu, Tiruchirappalli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records pertaining to the impugned order of the first respondent vide impugned proceedings in Na.Ka.No.13532/P&I 2017, dated 02.04.2018 and quash the same as arbitrary.

For Petitioner : Mr.M.Karunanithi

For Respondents : Mr.Murugan
Government Advocate

O R D E R

Mr.Murugan, learned Government Advocate, takes notice for the respondents.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. By an order, dated 28.11.2017, the petitioner's vehicle bearing registration No.TN48 T6559 was permitted to ply in Irungalur Milk Collection Route by the first respondent for a further period of six months commencing from 01.12.2017. When the said period of six months was in vogue, the impugned order came to be passed on 02.04.2018 cancelling the permission granted in favour of the



petitioner by quoting administrative grounds. Apparently, the petitioner was not put on notice before the impugned order was passed. Likewise, the impugned order is a non-speaking order and does not give any reasons for taking such a decision for cancellation of the licence. It is needless to point out that by cancelling the permit, the petitioner would have been put to a serious prejudice and the principles of natural justice mandate the respondents to give due opportunity to the petitioner while such an order is being passed. Hence, the impugned order, dated 02.04.2018, in Na.Ka.No.13532/P&I 2017, passed by the first respondent, is set aside and the matter is remanded back to the first respondent for fresh consideration after giving due opportunity to the petitioner. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this Court.

4. With the above observations, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(T & P)

/True Copy/

Sub Assistant Registrar

To:

1. The General Manager (AAVIN),
Tiruchirappalli District Co-operative
Milk Producers Union Limited,
Kottapattu, Tiruchirappalli District.
2. The Deputy General Manager (AAVIN),
Tiruchirappalli District Co-operative
Milk Producers Union Limited,
Kottapattu, Tiruchirappalli District.

+1cc to Mr.M.KARUNANITHI, Advocate in SR.No.63573

+1cc to SPECIAL GOVERNMENT PLEADER, Advocate in SR.No.64221

krk

SB/KKR/SAR3/28.05.2018/2P/5C

W.P. (MD) No.9604 of 2018
26.04.2018