

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 2332 of 2020

and

W.M.P. Nos. 2707 and 2710 of 2020

Shree Essar Roadways,
Represented by its Proprietor,
S.P.S. Raja,
Aged about 44 years,
Son of S. Sellappan,
No. 230, Anna Nagar,
5th Street, Bhavani,
Erode - 638 314.

... Petitioner

-vs-

1. The Tamil Nadu Co-operative Milk Producers Federation Limited,
Represented by its Managing Director,
Aavin Illam,
No. 3A, Chamiers Road,
Rathna Nagar,
Nandanam,
Chennai - 600 035.
 2. The Deputy General Manager (Production),
Tamil Nadu Co-operative Milk Producers Federation Limited,
Aavin Illam,
No. 3A, Chamiers Road,
Rathna Nagar,
Nandanam,
Chennai - 600 035.
 3. Salem District Co-operative Milk Producers' Union Ltd.
Represented by its General Manager,
Thalavaipatti P.O.,
Salem - 636 302.
- ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the impugned order dated 22.01.2020 Ref. No. 2025/DGM(P)/AD/S.O./2019 on the file of the Second Respondent and to quash the same as illegal and without jurisdiction.

For Petitioner : Mr. AR.L. Sundaresan, Senior
Counsel assisted by Mr. T.M. Mano

For Respondents : Mr. P.H. Aravindh Pandian,
Additional Advocate General
assisted by
Mr. L.P. Shanmugasundaram,
Special Government Pleader (Co-op)

O R D E R

Heard Mr. AR.L. Sundaresan, Learned Senior Counsel, assisted by Mr. T.M. Mano, Learned Counsel for the Petitioner and Mr. P.H. Aravindh Pandian, Learned Additional Advocate General assisted by Mr. L.P. Shanmugasundaram, Learned Special Government Pleader (Co-op) appearing for the First and Second Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner had entered into an agreement dated 06.02.2019 with the Third Respondent to transfer milk through puf insulated refrigerated container vehicles with 20MT capacity for a period of two years from 23.01.2019. While the contract is now in force, the Second Respondent by proceedings dated 22.01.2020 had made the following arrangements to stop supply of 1,26,000 litres of packed sachets from Vellore, Salem and Trichy District Co-operative Milk Producers Unions as per the following particulars:

Sl No	Particulars	Union	Quantity (lts)	Packing Arrangements	Effect from
1	Standardized Milk 500ml	Salem	36,000	To be packed at Ambathur dairy.	01.02.2020
2	Toned Milk & Standardized Milk	Trichy	72,000	36,000 lts to be packed at SNR dairy and 36,000 lts to be packed at KT Union	01.02.2020
3	Toned Milk 500ml.	Vellore	18,000	To be packed at Madhavaram Dairy	01.02.2020

The Petitioner claiming that the aforesaid proceedings of the Second Respondent would indirectly amount to termination of the contract between the Petitioner and the Third Respondent, has filed this Writ Petition challenging the same.

3. Having regard to the aforesaid contentions of the

Petitioner, the Second Respondent has filed Additional Counter Affidavit dated 18.02.2020, in furtherance of the order of this Court dated 12.02.2020, wherein it is stated as follows:

Sl. No.	Queries raised by the Hon'ble Court	Clarification submitted
01	The manner in which the 3 rd Respondent would procure 36,000 litres of milk from the places in and around Chennai in lieu of that quantity hereto transported from Salem through the Petitioner.	In this context, I submit that the said 36,000 litres of milk will be procured and despatched from our local unit of Ambattur Dairy instead from Salem District Milk Cooperative Union. Now, the local unit in Ambattur Dairy is capable of supplying 36,000 litres of sachet milk.
02	Whether the vehicles that would be used for transporting milk to Chennai would maintain the prescribed temperature ensuring food safety.	Yes. The vehicles that would be used for transporting milk to Chennai would maintain the prescribed temperature ensuring food safety. Being the supply unit is at Ambattur dairy the milk so procured will be directly transported to the milk depots enabling to reach consumers within a short time.

In view of the aforesaid clarification made by the Second Respondent, the Petitioner cannot claim to be aggrieved by the impugned order passed by the Third Respondent. In that backdrop, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to the Petitioner to work out his remedies for other reliefs that he may be legitimately entitled before the proper forum in the manner recognized by law. He has also made an endorsement to that effect, which is recorded.

4. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar (CS III)
//True Copy//

Sub Assistant Registrar

vjt/sj

To

1. The Managing Director,
Tamil Nadu Co-operative Milk Producers Federation Limited,
Aavin Illam,
No. 3A, Chamiers Road,
Rathna Nagar,
Nandanam,
Chennai - 600 035.
2. The Deputy General Manager (Production),
Tamil Nadu Co-operative Milk Producers Federation Limited,
Aavin Illam,
No. 3A, Chamiers Road,
Rathna Nagar,
Nandanam,
Chennai - 600 035.
3. The General Manager,
Salem District Co-operative Milk Producers' Union Ltd.,
Thalavaipatti P.O.,
Salem - 636 302.

+1cc to Mr.L.P.ShanmugaSundaram, Advocate, S.R.No.14434
+1cc to Mr.T.M.Mano, Advocate, S.R.No.14366
+1cc to Special Government Pleader, S.R.No.14181

W.P. No. 2332 of 2020

SPD (CO)
KKV/10/06/2020

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