

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.9034 of 2020
and
WMP Nos.10991 & 10992 of 2020

C.Marimuthu

..Petitioner

-Vs-

1.The Coimbatore District Co-operative
Milk Products Union Ltd.,
Rep.by its General Manager,
Pachapalayam,
Kalampalayam Post,
Coimbatore-641010.

2.The Coimbatore District Co-operative
Milk Products Union Ltd.,
Rep.by its Deputy Registrar,
Pachapalayam,
Kalampalayam Post,
Coimbatore-641010.

..Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari, to
call for the records of the 1st respondent Impugned order in
Na.Ka.No.3936/P& 1 pugarmanumithana nadavadikai/2020 dated
18.06.2020 and to quash the same.

For Petitioner : Mr.M.Raja Sekar

For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader

ORDER

This writ petition has been filed challenging the
order passed by the 1st respondent in his proceedings dated
18.06.2020 cancelling the permit granted in favour of the
petitioner.

2.The case of the petitioner is that he had participated in the tender that was called for by the respondent Co-operative Union for supply of milk after collecting the same from the members of the Society, in a particular route. The petitioner was declared as the highest bidder and he was awarded the contract. An agreement was entered into between the petitioner and the respondent whereby the period was renewed up to 31.03.2021.

3.The grievance of the petitioner is that the 1st respondent has passed the impugned order cancelling the contract and the permit based on some complaint given by the third parties and this was done without even giving an opportunity to the petitioner. Challenging the said order passed by the 1st respondent, the present writ petition has been filed before this Court.

4.The learned counsel for the petitioner submitted that the cancellation of the contract and the permit has resulted in civil consequences and therefore before passing the order, the petitioner is entitled to be given an opportunity failing which the order is liable to be interfered for violation of the principles of natural justice. The learned counsel therefore submitted that the impugned order passed by the 1st respondent requires interference and the matter can be remanded back to the 1st respondent to issue a fresh notice and give an opportunity to the petitioner and thereafter orders can be passed by the 1st respondent.

5.Mr.L.P.Shanmugasundaram, Special Government Pleader appearing on behalf of the respondents submitted that the petitioner has approached this Court with unclean hands by not revealing the entire facts. The petitioner was given notice and the petitioner has also submitted his reply. The learned counsel further submitted that there are seven witnesses who were examined in order to substantiate the allegations made against the petitioner. The learned counsel further submitted that the 2nd respondent, who is the Competent Authority after completion of the enquiry, had sent a report/letter dated 03.06.2020, to the 1st respondent to enable the 1st respondent to pass final orders. The learned counsel brought to the notice of this Court the reply given by the petitioner as well as the report/letter submitted by the 2nd respondent to the 1st respondent. The learned counsel therefore submitted that there are absolutely no merits in the present writ petition and the same is liable to be dismissed.

6.This Court has carefully considered the submissions made on either side and the materials available on record.

7.The petitioner has approached this Court with a very definite case that the petitioner was not afforded any

opportunity at any stage before the orders were passed cancelling the contract and the permit granted in favour of the petitioner. The records reveal the fact that the petitioner had given a reply with regard to the incident, to the 2nd respondent. This Court also went through the reply which was submitted by the petitioner. From the report given by the 2nd respondent, who is the Deputy Registrar, dated 03.06.2020, it can be seen that an enquiry was conducted by the Deputy Registrar and the statements of the witnesses was also recorded by the Deputy Registrar. This report was given to the 1st respondent to take further action since the agreement is between the petitioner and the 1st respondent. Therefore, the impugned order passed by the 1st respondent is more consequential in nature and it is purely based on the report submitted by the 2nd respondent after enquiry.

8. It is clear from the above that the petitioner had infact given his response by way of a written letter before the 2nd respondent. This important fact was not revealed in the affidavit filed in support of the writ petition. In the considered of this Court, the petitioner ought to have disclosed all the facts in the affidavit before seeking for any remedy in the writ petition. The law is too well settled to the effect that where a litigant conceals material facts and approaches a Court of law, the petition can be rejected on that sole ground alone. It is not necessary for the Court to go into any other grounds. The petitioner, who is seeking equity is expected to come to Court with clean hands by revealing all the material facts, failing which, this Court exercising its jurisdiction under Section 226 of the Constitution of India cannot grant any relief to the petitioner.

In the result, this Court does not find any ground to interfere with the impugned order passed by the 1st respondent and accordingly, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

KP

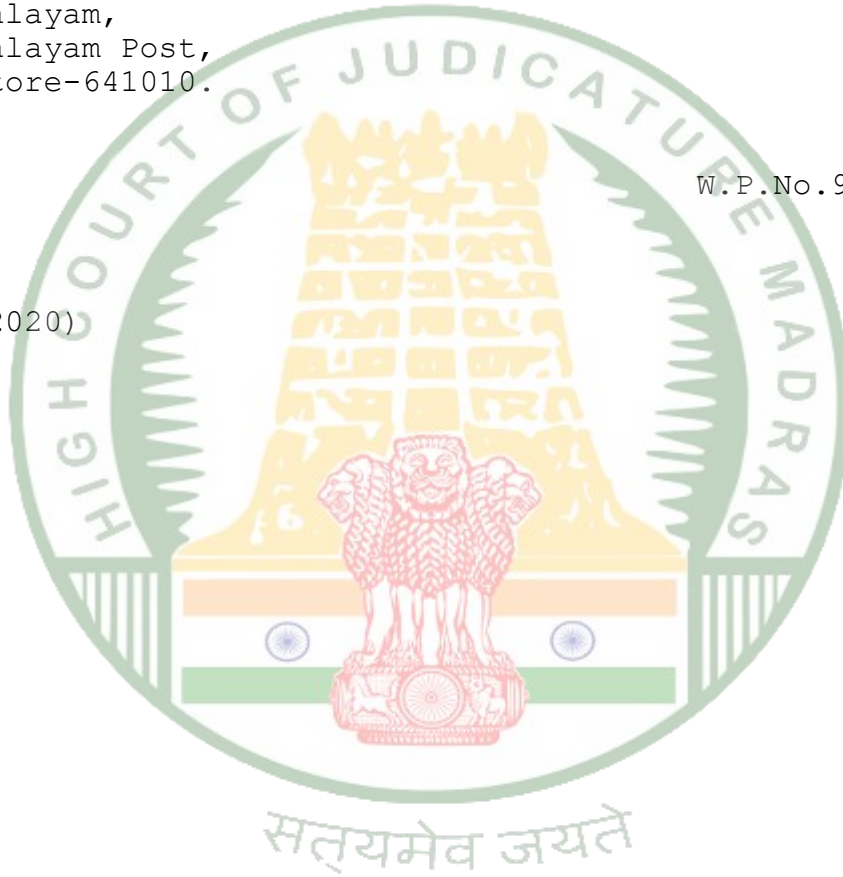
To

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PVS (CO)
GN (25/08/2020)



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