

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No. 9707 of 2020

and

W.M.P.No.11831 of 2020

E.D.1790 Sadayapalayam (Women),
Milk Producers Co-operative Society Ltd.,
Rep.by its Secretary,
E.Vasanthi, F/49
W/o.S.R.Easwaramoorthy,
Sadayapalayam, Kangayam Taluk,
Tiruppur District - 641 604. ...Petitioner

Vs

- 1.The Commissioner / Registrar,
Milk Dairying, Madhavaram,
Chennai - 600 051.
- 2.The Deputy Registrar (Dairying)
Collectorate, 6th Floor, Tiruppur,
Tiruppur District.
- 3.The Chairman,
Tiruppur District Milk Producers Cooperative Union Ltd.,
Collectorate, Tiruppur,
Tiruppur.
- 4.The President,
Thalakkarai Milk Producers Cooperative Society Ltd.,
Thalakkarai, Sadayapalayam,
Sampanthampalayam, Kangayam Taluk,
Tiruppur District. ...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of mandamus, forbearing the respondents 1 to 3 from providing chilling unit in favour of the 4th respondent society.

For petitioner : Mr.C.Prakasam

For respondents : Mr.R.Balaramesh

Special Government Pleader
for R1 to R3

ORDER

This writ petition has been filed to issue a writ of mandamus forbearing the respondents 1 to 3 from providing chilling unit in favour of the 4th respondent Society.

2. The case of the petitioner Society is that the Society was started in the year 1997 and the members of the society collect milk from various persons and it is supplied to Aavin. The petitioner society has been asking for setting up a chilling unit in order to store the milk. In the mean time, the 4th respondent Society was started in the year 2018 and the same was challenged by the writ petitioner in W.P.No.258 of 2019 and the same is pending.

3. The grievance of the petitioner is that the petitioner Society is supplying nearly 750 litres of milk everyday by collecting milk from various persons, who are living within the radius of 18 kilometers and the petitioner society has not been provided with the facilities of a chilling unit where they can store the milk. The petitioner Society also passed a resolution to that effect on 27.01.2020 and had made a representation to respondents 1 to 3 on 27.04.2020 to provide for a chilling unit. The grievance of the petitioner is that this representation has not been acted upon and the respondents are attempting to give a chilling unit to the 4th respondent society which has been in operation only from the year 2018 onwards.

4. Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.R.Balaramesh, learned Special Government Pleader for Respondents 1 to 3.

5. Mr.R.Balaramesh, learned Special Government Pleader appearing for respondents 1 to 3 submitted that both the petitioner Society as well as the 4th respondent Society have given representations for setting up a chilling unit and the same is pending before the first respondent. Therefore, both the representations will be considered by the first respondent and a decision will be taken.

6. This Court has carefully considered the submissions made on either side and the materials available on record. Without going into the merits of the case, it will be suffice, if a direction is issued to the first respondent to consider the representation made by the petitioner Society on 27.04.2020 and take a decision in accordance with law.

7. It is left open to the first respondent to take into consideration the necessity of establishing a chilling unit which can be put to proper use for the purpose of storing the milk. The effort of collecting milk should not go waste and facilities must be provided for storing it in a chilling unit. This should be borne in mind by the first respondent while taking the decision.

8. In view of the above, this writ petition is disposed of with a direction to the first respondent to consider the representation made by the petitioner on 27.04.2020 and take a decision in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the first respondent along with a copy of the representation dated 27.01.2020 and a copy of this order.

9. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (ADI MDU)

//True copy//

Sub Assistant Registrar

Pns

To

- 1.The Commissioner / Registrar,
Milk Dairying, Madhavaram,
Chennai - 600 051.
- 2.The Deputy Registrar (Dairying)
Collectorate, 6th Floor, Tiruppur,
Tiruppur District.
- 3.The Chairman,
Tiruppur District Milk Producers Cooperative Union Ltd.,
Collectorate, Tiruppur, Tiruppur.

4.The President,

Thalakkarai Milk Producers Cooperative Society Ltd.,

Thalakkarai, Sadayapalayam,

Sampanthampalayam, Kangayam Taluk,

Tiruppur District.

W.P.No.9707 of 2020

VB (CO)

GMV (09/09/2020)