

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.13728 of 2020

&

W.M.P.No.17067 of 2020

(Heard through VC)

M/s.The Nilgiri Wayanad Hills Product Co.,
Rep. by its Proprietor S.Kabeer,
No.7/102, Devarshiola Bazar,
Balacola P.O., Kundah Taluk,
Nilgiri, Tamil Nadu. ..Petitioner

Vs.

1. The Chairman,
Tea Board of India,
No.14, B7M Sarani (Brabourne Road),
Kolkata - 600 001.
2. The Executive Director &
Registering/Licensing Authority,
Tea Board of India,
(Ministry of Commerce and Industry),
Government of India,
"Shelwood" Club Road, P.O.Box No.6,
Coonoor - 643 101.
Nilgiris, Tamil Nadu. ..Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent in Ref.No.5 (347) TWCO/CNR/199 dated 06.07.2020 and quash the same and to direct the second respondent to restore the Licence of the petitioner granted in (TWC-327).

For Petitioner : Mr.I.Bobby Portia

O R D E R

The writ petition is filed challenging the order passed by the second respondent in Ref.No.5 (347) TWCO/CNR/199 dated

06.07.2020 and to direct the second respondent to restore the licence of the petitioner granted in (TWC-327).

2. The above said order relates to violation of the conditions stipulated in the licence granted to the petitioner. The said order itself is passed after giving an opportunity of personal hearing to the petitioner and it was specifically held that there has been a violation of the provision under Tea Waste (Control) Order, 1959. Therefore, the request of the petitioner for enhancement of validity period for the renewal of Tea Waste licence in terms of the Board's Circular vide letter Ref.No.25 (1)/Sectt/2017/Part-1/12434 and 2765 dated 18.09.2019 and 16.01.2020 could not be considered and it was rejected and the licence issued to the petitioner was cancelled.

3. Admittedly, an appeal provision before the Appellate Authority and Secretary, Commerce and Industries, Government of India (Related to Tea Board) is available and the petitioner also has filed Civil Miscellaneous Appeal on 06.07.2020, which is not yet numbered.

4. Having exercised the alternative remedy, the petitioner cannot invoke Article 226 of the Constitution of India before a final order is passed therein. Therefore, without going into the merits of the case, the writ petition is dismissed on the ground of maintainability. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
Tea Board of India,
No.14, B7M Sarani (Brabourne Road),
Kolkata - 600 001.
2. The Executive Director &
Registering/Licensing Authority,
Tea Board of India,
(Ministry of Commerce and Industry),
Government of India,
"Shelwood" Club Road, P.O.Box No.6,
Coonoor - 643 101.
Nilgiris, Tamil Nadu.

+1cc to Mr.R.Lakshmi Narayanan, Advocate, S.R.No.33429

W.P.No.13728 of 2020
&
W.M.P.No.17067 of 2020

SSI (CO)
RV(10/11/2020)



WEB COPY