

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14135 of 2020

&

W.M.P.No.17562 of 2020

(Heard through VC)

M/s.A.N.M.Green Mountain Product Co.,
Represented by its Proprietor,
S.Kabeer,
1867/10, Naricodue, Pulachery,
Manikkal, Nagaripuram, Pathiripala,
Mannur Post, Palakkad District,
Kerala. ... Petitioner

Vs.

1.The Chairman,
Tea Board of India,
No.14, BTM Sarani (Brabourne Road),
Kolkata - 700 001.

2.The Executive Director &
Registering and Licencing Authority,
Tea Board of India,
(Ministry of Commerce and Industries),
Government of India,
Shelwood, Club Road,
Coonoor - 643 101.
The 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 (245) TWCO/CNR/2015/200 dated 06.07.2020 and quash the same and to direct the second respondent to restore the Licence of the petitioner granted in TWA-291.

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 (245) TWCO/CNR/2015/200 dated 06.07.2020 and to direct the second respondent to

restore the Licence of the petitioner granted in TWA-291.

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(CS-III)

//True Copy//

Sub Assistant Registrar

rsi/asr

To

1.The Chairman,

Tea Board of India,
No.14, BTM Sarani (Brabourne Road),
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+1cc to Mr.R.Lakshmi Narayanan, Advocate SR.33428

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MP (CO)
CB (23/11/2020)



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