



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **12.03.2020**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD)No.5197 of 2020

and

W.M.P (MD) .Nos.4547 and 4549 of 2020

K.Vasanthi

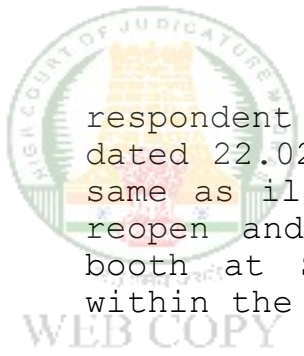
... Petitioner

Vs.

- 1.The Director of Milk Production and Dairy Development
cum Managing Director of Tamil Nadu Cooperative Milk Producers
Federation, Aavin Illam, TCMF Ltd.,
3A, Pasumpon Muthuramalinganar Salai,
Nandanam, Chennai 600 035.
- 2.The Commissioner for Milk Production
and Dairy Development
Madhavaram Milk Colony, Madhavaram,
Chennai 600 051.
- 3.The Additional Commissioner for Milk Production
and Dairy Development,
Madhavaram Milk Colony
Madhavaram, Chennai 600 051.
- 4.The Kanyakumari District Co-operative Milk Producers Union Ltd.,
rep., by its General Manager,
Nagercoil, Kanyakumari District.
- 5.T.R.Dhiyanesh Babu
The General Manager,
The Kanyakumari District Co-operative Milk Producers Union Ltd.,
Nagercoil, Kanyakumari District.
- 6.S.A.Ashokan,
The Chairman,
The Kanyakumari District Co-operative Milk Producers Union Ltd.,
Nagercoil, Kanyakumari District. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.2607/Mkg/2011 dated 06.11.2019 on the file of the fourth

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respondent and consequential impugned order in Na.Ka.No.208/Mkg/2004 dated 22.02.2020 on the file of the fourth respondent and quash the same as illegal and consequently directing the respondents 1 to 4 reopen and permit the petitioner to carry on his business Aavin booth at SLB Girls High School, Nagercoil, Kanyakumari District within the time frame fixed by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.E.Mareeskumar
Standing counsel (for R1 to R4)
Mr.G.V.Vairam Santhosh
(for R5 and R6)

ORDER

By consent of both parties this writ petition is taken up for final disposal at the admission stage itself.

2.According to the petitioner, the petitioner's husband namely K.Hariharasudhan was originally a licensee to one Aavin products at SLB Girls Higher Secondary School, Nagercoil, Kanyakumari District. He died. It is claimed by the learned counsel for the respondents 1 to 4, namely Aavin authorities that the license had expired in the year 2018 itself. The present writ petition had been filed by his widow seeking grant of license to run the bunk shop at the said Higher Secondary School.

3.It is also stated that the sixth respondent, who is the Chairman of the Kanyakumari District Co-operative Mill Producers Union Ltd, had through the Secretary, locked the shop, where Aavin products had been sold in the said School.

4.The contention of the learned counsel for the petitioner that no notice was given and the principles of natural justice had been violated.

5.However, it is the contention of the respondents that the entire complaint is that apart from Aavin products, various other products were also been sold to the detriment of the welfare of the children who are studying in the said School. These issues can be examined through an enquiry. During the enquiry, the petitioner should be put on notice. The enquiry can take place whether the petitioner has a license or not and whether she is entitled to get the license, which her husband had. It is also informed by the learned counsel for the respondents 1 to 4 that as on date, the shop had been allotted to some body else. Therefore, a direction is issued to the respondents that they should put the petitioner on notice and conduct an enquiry and also if necessary, issue notice to the complainants and hold a full-fledged enquiry and thereafter pass orders. It is hope that the entire exercise shall be concluded on or before 30.04.2020.



6. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (C.S.II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-11520[F] dated 13/03/2020)

W.P(MD)No.5197 of 2020

Dated: 12.03.2020

PU(07/05/2020) 3P 2C