



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.09.2020
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD)No.10114 of 2020
and
W.M.P. (MD)Nos.9008 to 9010 of 2020

S.Ganesan

... Petitioner

Vs.

1. The Commissioner,
Milk Production and Dairy Development,
Aavin Illam, Nandhanam,
Chennai - 600 035.

2. The Managing Director,
Tamil Nadu Co-operative Milk Producers' Federation,
Madhavaram, Chennai - 600 051.

3. The General Manager,
D.D.160, Dindigul District Co-operative
Milk Producers Union Ltd.,
No.9, East Govindapuram,
Dindigul - 624 001.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the third respondent in Na.Ka.No.750/Pa.Vi/2019 dated 04.08.2020 and quash the same as illegal and consequently forbear the respondents from disturbing the petitioner from functioning as a wholesale agent till the expiry of license period.

For Petitioner : Mr.M.E.Ilango

For Respondents : Mr.K.Chellapandian,
Additional Advocate General,
assisted by,
Mr.Mareesh Kumar.
Standing Counsel.

O R D E R

Heard, Mr.M.E.Ilango, learned counsel appearing for the petitioner and Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mr.Mareesh Kumar, learned Standing counsel appearing for the respondents.



2. The writ petitioner was acting as an agent of the third respondent units for the last several years. He was also nominated as a wholesale agent in Dindigul District. There are six supply routes. The petitioner was acting as a whole milk supply agent for route No.2. One Mercy Thanies Mary was the wholesale agent for the route No.1. Her license was terminated and in her place, the writ petitioner was appointed and subsequently, he was appointed as a wholesale milk supply agent for the entire Dindigul District. The petitioner was granted license for the period till 24.01.2021.

3. The nomination made in favour of the writ petitioner was put to challenge by Mrs. Mercy Thanies Mary. By order dated 08.09.2020, I had quashed the said nomination made in favour of the writ petitioner and I had directed the respondent union to hold tender process in this regard. However, the petitioner had been directed to continue to act as licensee till the tender process is finalised. Of course the petitioner can take part in the tender process also.

4. Now the question that arises for consideration in this case is the rate at which the petitioner should be paid. By the order impugned in this writ petition, the rates that are originally fixed had been altered to the petitioner's prejudice. It is seen that without putting the petitioner on notice, this order has been passed. Therefore, the order impugned in this writ petition stands quashed. This writ petition stands allowed. The matter is remitted to the file of the second respondent. The second respondent is directed to decide the issue of rate fixation within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

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