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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-12-2021

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.27951 of 2013

And

MP Nos.1 and 2 of 2013

Mr.M.Venkatesan

... Petitioner

vs.

1. The Commissioner of Milk Production and
Dairy Development,
Madhavaram,
Chennai - 600 051.

2. The General Manager (Marketing) Corporates,
TCMPF Ltd.,
Nandhanam,
Chennai - 600 035.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent culminating in order Ref.No.6229/N4/2013 dated 01.10.2013, to quash the same and to direct the respondents to permit the petitioner to operate the AVM 011 in view of the completion of renovation works.

For Petitioner : Mr.V.Venkatesan

For Respondent-1 : Mr.A.Selvendran,
Special Government Pleader.

For Respondent-2 : Mr.K.N.Pandian

O R D E R

The order of termination of Concessionaire of AVM 011 dated 01.10.2013 issued by the second respondent, is under challenge in the present writ petition.

2. The petitioner states that he had been operating the Avin



Milk Booth from the year 2003 onwards. The shop became dilapidated due to weak frame work of its structure. An urgent renovation was to be made during the relevant point of time and the petitioner further states that during that point of time, the Avin Authorities conducted an inspection. After conducting the inspection, the license granted in favour of the petitioner was terminated.

3. The petitioner states that he was running the Avin Milk Booth punctually and without committing any irregularities or otherwise. Thus, he may be permitted to continue the Avin Milk Booth and the petitioner is ready and willing to comply with the conditions.

4. The counter-affidavit filed by the second respondent reveals that there was no operation of Avin Milk Booth since October 2011 in the AVM by the petitioner and due to his fault, the Avin Milk Booth was not properly maintained as per the allotment order.

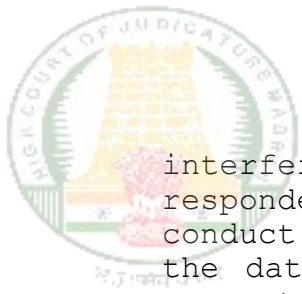
5. During the inspection, the second respondent found that the petitioner was not running the shop properly and not cooperated with the Authorities for the purpose of maintenance of the shop.

6. Before passing the order of termination dated 01.10.2013, on 25.09.2013 an inspection was made by the second respondent and the petitioner was given an opportunity to rectify all irregularities. But there was no improvement made by the petitioner. Thus, the non-compliance of the requirements and the lethargic attitude of the petitioner, the matter was informed to the Deputy Manager (Marketing), who in turn informed the same to the General Manager (Marketing) and accordingly, the termination order was issued by the second respondent on 01.10.2013 to the petitioner.

7. The petitioner is now continuing the Avin Milk Booth pursuant to the interim order granted by this Court. Based on the interim order, the petitioner is running the Avin Milk Booth for the past about eight years. The present condition of the Avin Milk Booth and the manner in which the petitioner is running the same, is not made known to this Court.

8. Essential products, being essential services to the people of that locality, maintaining hygiene in the place of vending is of paramount importance. All mandatory requirements contemplated under the Rules and Guidelines are to be followed scrupulously for selling the milk products in a Milk Booth.

9. Under these circumstances, this Court is not inclined to



interfere with the order of termination passed by the second respondent in the year 2013. However, the Authorities may conduct immediate inspection, within a period of one week from the date of receipt of a copy of this order and ascertain the present condition of the said Milk Booth and initiate appropriate actions. As far as the renewal of license is concerned, it is left open to the petitioner to submit a fresh application to the second respondent for consideration of the same in accordance with law.

10. With the abovesaid clarifications, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Commissioner of Milk Production and
Dairy Development,
Madhavaram,
Chennai - 600 051.
2. The General Manager (Marketing) Corporates,
TCMPF Ltd.,
Nandhanam,
Chennai - 600 035.

+1cc to Mr.K.N.Pandian, Advocate, S.R.No.68364

+1cc to Mr.G. Devi, Advocate, S.R.No.68363

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AJS (CO)
CT 05/01/2022



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