



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.03.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

WEB COPY

W.P.(MD) Nos.1104, 1105, 1108, 1109 and 2389 of 2021

and

W.M.P.(MD) Nos.958, 3787, 3421, 4059, 960, 961, 962 and 1987 of 2021

In W.P.(MD) No.1104 of 2021

S.Ganesan .. Petitioner In W.P.(MD) No.1104 of 2021

Vs

1.The General Manager,
D.D.160, Dindigul District Cooperative
Milk Producers Union Ltd.,
No.9, East Govindapuram,
Dindigul 624 001.

2.Ramanathan .. Respondents In W.P.(MD) No.1104 of 2021

PRAYER In W.P.(MD) No.1104 of 2021:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 1st respondent in Na.Ka.No.750/Pa.Vi/2019 dated 12.01.2021 with regard to Dindigul Route-II and quash the same as illegal.

WP(MD). 1105 of 2021 :

Ganesan.S S/o.Subbramaniya Pillai,
17, Nagalpudhur 1st St, Nagal Pudhur, Dindigul
... Petitioner(s) in WP(MD). 1105 of 2021

- Vs. -

1. The General Manager Dd.160,
Dindigul District Co Operative Milk Producers Union Ltd.,
No.9, East Govindapuram, Dindigul-624 001

2. Ramanathan

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

... Respondent(s) in WP(MD). 1105 of 2021

Prayer in WP(MD). 1105 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned notice



issued by the 1st respondent in Na.Ka.No.750/Pa.Vi/2019 dated 12.1.2021 with regard to Dindigul Route-I and quash the same as illegal and pass such further or other orders as this Honourable court may deem fit and proper in the circumstances of the case and thus render justice.

WP(MD). 1108 of 2021 :

Bala Senthil Kumaran.G,
S/o.Ganesan, 17, Nagalpudhur 1st Street,
Nagal Pudhur, Dindigul

... Petitioner(s) in WP(MD). 1108 of 2021

- Vs. -

1. The General Manager Dd.160,
Dindigul District Co Operative Milk Producers Union Ltd.,
No.9, East Govindapuram, Dindigul-624 001

2. Ramanathan The General Manager, Dd.160
Dindigul District Co Operative Milk Producers Union Ltd.,
No.9, East Govindapuram, Dindigul-624 001

... Respondent(s) in WP(MD). 1108 of 2021

Prayer in WP(MD). 1108 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 1st respondent in Na.Ka.No.750/Pa.Vi/2019 dated 12.1.2021 with regard to Palani - Ottamchatiram Route and quash the same as illegal and pass such further or other orders as this Honourable court may deem fit and proper in the circumstances of the case and thus render justice.

WP(MD). 1109 of 2021 :

Bala Senthil Kumaran.G
S/o.Ganesan, 17, Nagalpudhur 1st Street,
Nagal Pudhur, Dindigul.

... Petitioner(s) in WP(MD). 1109 of 2021

- Vs. -

1. The General Manager Dd.160,
Dindigul District Co Operative Milk Producers Union Ltd.,
No.9, East Govindapuram, Dindigul-624 001

2. Ramanathan The General Manager, Dd.160
Dindigul District Co Operative Milk Producers Union Ltd.,
No.9, East Govindapuram, Dindigul-624 001

... Respondent(s) in WP(MD). 1109 of 2021



Prayer in WP(MD). 1109 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 1st respondent in Na.Ka.No.750/Pa.Vi/2019 dated 12.1.2021 with regard to Kodaikanal -Batlagundu and quash the same as illegal and pass such further or other orders as this Honourable court may deem fit and proper in the circumstances of the case and thus render justice.

Ganesan.S

S/o.Subbramaniya Pillai,

17 Nagalpudhur 1st St., Nagal Pudhur, Dindigul.

... Petitioner(s) in WP(MD). 2389 of 2021

- Vs. -

1. The General Manager

D.D.160 Dindigul District Co-Operative Milk Producers Union Ltd.,
No.9 East Govindapuram, Dindigul - 624 001.

2. Ramanathan

General Manager, D.D.160

Dindigul District Co-Operative Milk Producers Union Ltd.,
No.9 East Govindapuram, Dindigul - 624 001.

... Respondent(s) in WP(MD). 2389 of 2021

Prayer in WP(MD). 2389 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari or any other appropriate writ or order or direction in the nature of writ calling for the records relating to impugned notice issued by the 1st Respondent in Na.Ka.No.750/Pa.Vi./2019 dated 29-01-2021 (received on 01-02-2021) with regard to Dindigul Route -II and quash the same as illegal and pass such other order or orders as this Honble Court may deem fit and proper in the facts ad circumstances of the case and thus render justice.

For Petitioner : Mr.Ajmal Khan Senior Counsel for
Mr.M.E.Ilango in all WPs

For Respondents: Mr.K.Chellapandian
Additional Advocate General assisted by
Mr.E.Mareeskumar in all WPs

COMMON ORDER

This Court is not inclined to entertain these writ petitions, in view of the simple fact that these are against the show cause notice issued by the 1st respondent, dated 12.01.2021, pointing out certain violations of various tender conditions agreed by the



petitioners, when the contract was awarded to them.

2. When the matter was taken up for hearing today, the learned Senior Counsel appearing for the petitioners would submit that the impugned orders do not disclose any monetary loss or any other illegal activities committed by the petitioners in discharge of their contractual obligation and the tenor of the show cause notice discloses the fact that the authority has already made up their mind and any explanation to the show cause notice would be of no significance at all. He would draw the attention of this Court to the content of the text of the show cause notice, which clearly discloses that no purpose would be served if any explanation is to be given by the petitioners. In the said circumstances, the petitioners were constrained to challenge the show cause notice issued to them, as the show cause notice itself is like a final decision taken by the authority.

3. This Court is unable to appreciate the reason for approaching this Court against the show cause notice. When a show cause notice was issued containing serious allegations against the petitioners in regard to their performance of the contract, it is for the petitioners to respond first to the show cause notice along with the supportive materials and convince the authority refuting the allegations made against them and come not unscathed. At the same time, it is not open to the petitioners to give explanation before this Court and attempt to persuade this Court on the factual aspects, which cannot be a subject matter of adjudication under Article 226 of the Constitution of India.

4. At this, the learned Senior Counsel would request this Court to direct the authority to afford personal hearing to the petitioners, so that they would be in a position to put-forth their case before the official respondents pointing out that the allegations made against them are without any basis.

5. Mr. K. Chellapandian, learned Additional Advocate General appearing for the respondents would submit that the respondents have no objection in providing opportunity to the petitioners in this regard and any time limit to be fixed by this Court for completion of the process of considering the explanation to the show cause notice and for passing final orders, the same would be duly complied with by the respondent.

6. In view of the above submission of the learned Senior Counsel and the learned Additional Advocate General, this Court without expressing any view on the merits and demerits of the rival competing claims, disposes of these writ petitions with the directions as under:-



i) The petitioners are directed to submit a fresh explanation to the show cause notice dated 12.01.2021 along with supportive materials, if any, within a period of two weeks from the date of receipt of a copy of this order.

ii) On receipt of the explanation along with supportive materials, the 1st respondent is directed to consider the explanation and also the materials to be produced by the petitioner and pass final orders within a period of four weeks therefrom.

iii) In the process of consideration, the 1st respondent is directed to afford an opportunity of personal hearing to the petitioners to put-forth their case effectively.

7. These writ petitions are accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-II)

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/ /2021

Sub Assistant Registrar(CS)

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To

The General Manager,
D.D.160, Dindigul District Cooperative
Milk Producers Union Ltd.,
No.9, East Govindapuram,
Dindigul 624 001.

+1 CC to M/s.M.ELANGO, Advocate (SR-12601[F] dated 19/03/2021)

W.P. (MD) Nos.1104, 1105, 1108, 1109 and 2389 of 2021
18.03.2021

PM(CO)

TR(07.06.2021) 5P 3C