



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD).No.18647 of 2021

and

W.M.P(MD).Nos.15368 and 15369 of 2021

Valarasu

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai District.

2.The General Manager,
A1 301, Madurai District Cooperative Milk
Producers Union Limited (AAVIN),
Sivagangai Main Road,
Madurai-20.

3.The Assistant Manager (Sales)
Madurai District Cooperative Milk
Producers Union Limited (AAVIN)
Central Division,
Sivagangai Main Road,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order issued by the second respondent in Na.Ka.No.845/VIT 1/2018 dated 10.08.2021 and quash the same as illegal.

For Petitioner : Mr.S.Thangaraj

For Respondents : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner assails an order dated 10.08.2021 by which his licence to operate as an Aavin agent was cancelled.



2.The petitioner states that he was issued a licence to sell Aavin milk products at Thirumalainayakar Mahal, Madurai on 18.09.2017. According to the petitioner, he has operated the Aavin booth in accordance with the terms and conditions of licence. In particular, the petitioner denies that he sold tea, coffee or tobacco products through the said booth. Upon receipt of a notice from the third respondent, the petitioner submitted a reply dated 22.07.2017, whereby he categorically denied the allegation that he sold beedi, cigarette and other products. Notwithstanding such reply, the petitioner states that the impugned order was issued whereby the licence was cancelled.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the licence was cancelled in view of the fact that the petitioner violated the terms and conditions of licence by selling tea, coffee and, in particular, tobacco products. Such sale is said to be in direct contravention of the terms and conditions of licence. Consequently, he states that the impugned order does not warrant interference.

4.Upon perusal of the impugned order, it is evident that two reasons are cited therein for rejecting the petitioner's explanation. The first reason is that the petitioner submitted the explanation belatedly. The second reason is that the explanation is not acceptable. As regards the first reason, it appears that the show cause notice was issued on 06.07.2021 and has been replied to on 22.07.2021. The explanation cannot be rejected as belated in the said factual context. The second reason is that the explanation is not acceptable. The impugned order does not indicate why the explanation is unacceptable. Therefore, in effect, the impugned order is unreasoned. Consequently, the said order is unsustainable and is hereby quashed.

5.For reasons set out above, W.P(MD).No.18647 of 2021 is allowed without any order as to costs. However, it is made clear that it is open to the second and third respondents to issue a fresh notice to the petitioner and initiate action in accordance with the terms and conditions of the licence and applicable law as regards the alleged breach of the terms and conditions of licence. Consequently, W.M.P(MD).Nos.15368 and 15369 of 2021 are closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji



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

- 1.The District Collector,
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Madurai District Cooperative Milk
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Central Division, Sivagangai Main Road,
Madurai.

+1 CC to M/s.SPL.GP (SR-32361[F] dated 25/10/2021)

**W.P (MD) .No.18647 of 2021
and**

**W.M.P (MD) .Nos.15368 and 15369 of 2021
22.10.2021**

MGJ/JC(02.11.2021) 3P 5C