



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.350 of 2022

M.Venkatesan

..Appellant

Vs.

1. The Commissioner for Milk Production
& Dairy Development
Madhavaram, Chennai-51.

2. The Deputy General Manager
(Marketing) Corporates
TCMPF Ltd., Nandanam
Chennai-35.

..Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 20.12.2021 passed in W.P.No.27951 of 2013.

Prayer in W.P.No.27951 of 2013: 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 Appellant : Mr.V.Ragupathy

For Respondents/
Caveators : Mr.A.Selvendran



JUDGMENT

(Delivered by the Hon'ble Chief Justice)

By this writ appeal, a challenge has been made to the order dated 20.12.2021, wherein the following directions were given:

"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."

2. Learned counsel appearing for the writ appellant submits that, pursuant to the directions aforesaid, the shop was inspected by the respondents. The appellant has also made an application to renew the license, looking to the fact that the renovation of shop has been carried out. The respondents have not taken a decision and hence, looking to fact that the petitioner/writ appellant has complied with the direction of the learned Single judge, he may be given liberty to take remedy, if the application for renovation of license is rejected or not granted. However, he prays for an observation that disposal of this writ appeal would not come in the way of appeal challenging the order, if any, passed adverse to the appellant.

3. Taking into consideration the facts narrated above and finding that the directions of the impugned order have been complied with by the respondents, we do not find any reason to cause interference with the impugned order. However, we dispose of the appeal with liberty to the appellant that in case of denial of renewal of license, he would be at liberty to challenge it by taking appropriate remedy. There will be no order as to costs. CMP No.2809 of 2022 is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kpl/drm



To

1. The Commissioner for Milk Production
& Dairy Development
Madhavaram, Chennai-51.

2. The Deputy General Manager
(Marketing) Corporates
TCMPF Ltd., Nandanam
Chennai-35.

+2cc to Mr.V.Raghupathi, Advocate, S.R.No.12602

W.A.No.350 of 2022

SPD(CO)
RGA(03/03/2022)