



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]Nos.2935 & 2936 of 2022

and

W.M.P.[MD]Nos.2568 & 2570 of 2022

Eswaran

Represented by its President,

MS.2415, M.Paraipatty Vadaku Milk Producers Cooperative Society,

Usilampatti,

Madurai District.

: Petitioner in W.P.[MD]No.2935/22

Karupaiye

Represented by its President,

MS.2214, Karampatty Women's Milk Producers

Cooperative Society,

Usilampatti,

Madurai District.

: Petitioner in W.P.[MD]No.2936/22

Vs.

1.The Registrar Cum Commissioner of Milk,
Milk Production and Diary Development Department,
Aavin Illam,
Nandhanam,
Chennai - 600 035.

2.The Deputy Registrar,
Milk Production and Diary Development Department,
Madurai Aavin Complex,
Madurai - 625 020.

3.The General Manager,
Representing
A1301, Madurai District Milk Producers Cooperative Union,
Madurai - 625 020.

4.The President,
Representing,
MS.2398, Paraipatty West Women Milk Producers
Cooperative Society,
Usilampatty,
Madurai District.

: Respondents in both writ petitions



COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct respondents 1 and 2 herein to restrain the third respondent from compelling supply of the petitioner's societies' procured milk to Bulk Milk Cooler Unit set up at the fourth respondent Society and also to continue with the present scheme of collection of milk through Route Vehicle and taking directly to Madurai Chilling Station at the third respondent Union premises, by considering the petitioners' representation dated 11.10.2021.

For Petitioners : Mr.A.Mithun Chakravarthi
in both petitions
For Respondents : Mr.P.Thilak Kumar
Government Pleader
[In both Writ Petitions]

COMMON ORDER

These writ petitions have been filed for Mandamus seeking for a direction to the respondents 1 and 2 herein to restrain the third respondent from compelling supply of the petitioner's societies' procured milk to Bulk Milk Cooler Unit set up at the fourth respondent Society and also to continue with the present scheme of collection of milk through Route Vehicle and taking directly to Madurai Chilling Station at the third respondent Union premises and pass orders on petitioners' representation dated 11.10.2021 within a time frame to be fixed by this Court.

2. According to the petitioners, they are the Presidents of the petitioner societies and that the third respondent is compelling the petitioner societies to supply milk to the fourth respondent society. According to the petitioner, under the present scheme, the petitioners will have to supply milk to the Madurai Chilling Station at the third respondent Union premises. The petitioners have therefore given a representation dated 11.10.2021 to the first and second respondents to restrain the third respondent from compelling them to supply the petitioner societies' procured milk to Bulk Milk Cooler Unit set up at the fourth respondent Society. Since the said representation has not been considered till date, these writ petitions have been filed.

3. Heard Mr.A.Mithun Chakravarthi, learned counsel appearing for the petitioners and Mr.P.Thilak Kumar, learned Government Pleader who accepts notice on behalf of the respondents.

4. On instructions, learned Government Pleader would submit that as alleged in the writ petitions, the third respondent is not compelling the petitioner societies to supply milk to the Bulk Milk Cooler Unit set up at the fourth respondent Society.



5.This Court is of the considered view that no prejudice would be caused to the respondents 1 and 2 if the representation of the petitioner societies dated 11.10.2021 is considered on merits and in accordance with law, even though learned Government Pleader appearing for the respondents would submit before this Court that the allegations levelled in the affidavits filed in support of these writ petitions are untrue.

6.Accordingly this Court directs the first and second respondents to consider the petitioner societies' representation dated 11.10.2021 requesting the first and second respondents to restrain the third respondent from compelling supply of the petitioner societies' procured milk to Bulk Milk Cooler Unit set up at the fourth respondent Society and also to continue with the present scheme of collection of milk through Route Vehicle and taking directly to Madurai Chilling Station at the third respondent Union premises and pass final orders on merits and in accordance with law within a period of eight [8] weeks from the date of receipt of a copy of this order.

7.With the aforesaid direction, the Writ Petitions stand disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

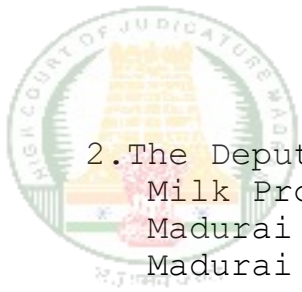
MR

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 Registrar Cum Commissioner of Milk,
Milk Production and Diary Development Department,
Aavin Illam,
Nandhanam,
Chennai - 600 035.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Deputy Registrar,
Milk Production and Diary Development Department,
Madurai Aavin Complex,
Madurai - 625 020.

3.The President,
Representing,
MS.2398, Paraipatty West Women Milk Producers
Cooperative Society,
Usilampatty,
Madurai District.

+1 CC to M/s.SPL GP (SR-6549[F] dated 16/02/2022)

ORDER MADE IN
W.P. [MD]Nos.2935 & 2936 of 2022
15.02.2022

PKP/03.03.2022/4P/5C