



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.5076 of 2022

and

W.M.P.[MD]No.4141 of 2022

C.Murugan

... Petitioner

Vs.

1.The General Manager,
Theni District Co-operation Milk Producer's Union Ltd.,
No.183, Gandiji Main Road,
N.R.T. Nagar, Allinagaram,
Theni - 625 531.

2.The President,
Unjampatti Panchayat,
Theni Panchayat Union,
Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the first respondent show cause notice in Reference Na.Ka.No.561/Sale/2021 dated 16.03.2022 on the file of the first respondent and to quash the same as unconstitutional and illegal.

For Petitioner : Mr.T.Wins
For Respondent No.1 : Mr.M.Senthil Ayyanar
Government Advocate
For Respondent No.2 : Mr.A.K.Manikkam

O R D E R

This Writ Petition has been filed challenging the show cause notice dated 16.03.2022 issued by the first respondent intimating the petitioner that he has violated the terms and conditions of the license as he has been selling products other than the products manufactured by the first respondent. The petitioner has been



the impugned show cause notice dated 16.03.2022, failing which the first respondent has intimated him that the license granted in favour of the petitioner will be cancelled. Aggrieved by the same, this writ petition has been filed.

2. It is settled law that a show cause notice can be challenged only when the same has been issued without authority under law and without jurisdiction. In the case on hand, the petitioner has been granted license and the terms and conditions of the said license has been mentioned therein. According to the first respondent, the petitioner has violated the terms and conditions of the license. As seen from the impugned show cause notice dated 16.03.2022, only under authority under law, the impugned show cause notice has been issued. It is for the petitioner to send a detailed reply denying the allegations levelled by the first respondent. Instead of opting that procedure, the petitioner has prematurely filed this writ petition which in the considered view of this Court is not maintainable at this stage. However, the first respondent will have to consider the petitioner's explanation with regard to his denial of the allegations levelled by the first respondent under the impugned notice on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing.

3. For the foregoing reasons, this writ petition is disposed of by directing the petitioner to submit a reply to the impugned show cause notice dated 16.03.2022 to the first respondent denying the allegations levelled against him and the first respondent is directed to pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing and also considering the explanations submitted by him to the impugned show cause notice dated 16.03.2022.

4. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

MR

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



To

1.The General Manager,
Theni District Co-operation Milk Producer's Union Ltd.,
No.183, Gandiji Main Road,
N.R.T. Nagar, Allinagaram,
Theni - 625 531.

+1 CC to M/s.T.WINS, Advocate (SR-13710[F] dated 23/03/2022)

+1 CC to M/s.SPL GP (SR-14486[F] dated 25/03/2022)

ORDER MADE IN
W.P.[MD]No.5076 of 2022
23.03.2022

KS (CO)

KP (05.04.2022) 3P 4C