



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.6727 of 2022

and

W.M.P.[MD]Nos.5199 & 5201 of 2022

WEB COPY

Maneka

... Petitioner

/Vs./

The General Manager,
Aavin / Tamilnadu Cooperative Milk Federation Ltd.,
K.K.Nagar,
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the respondent in Na.Ka.No.2052/vir-2/2022 dated 01.04.2022 and quash the same as illegal and unconstitutional and consequently directing the respondent to allow the petitioner to continue his transportation of the milk as per license dated 29.09.2021.

For Petitioner : Mr.C.Jeganathan

For Respondent : Mr.P.Thilak Kumar
Government Pleader

ORDER

This writ petition has been filed challenging the order dated 01.04.2022 cancelling the licence granted to the petitioner to transport milk on behalf of the respondent federation. The licence, which was earlier granted to the petitioner has been cancelled by exercising the respondent's power under Condition No.22 of the proceedings issued by Madurai District Cooperative Milk Producers Union. According to the respondent, 96 litres of milk belonging to the respondent Corporation was taken by the driver of the petitioner in the lorry belonging to the petitioner without invoice.

2.The petitioner has challenged the impugned order on the ground of violation of principles of natural justice. According to her, without any prior notice, the impugned order dated 01.04.2022 has been passed cancelling her licence. A representation dated 06.04.2022 has also been given by the petitioner, subsequent to the passing of the impugned order requesting for recalling the impugned order.



3.As seen from the impugned order, no prior notice has been given to the petitioner. The petitioner is having licence to transport milk on behalf of the respondent from 01.10.2021 to 30.09.2023. The petitioner has also denied the allegations levelled by the respondent under the impugned order, in the affidavit filed in support of this writ petition.

4.The petitioner having got valid licence from the respondent, this Court is of the considered view that the respondent ought to have intimated the petitioner with regard to the allegations of theft of milk by an employee of the petitioner during the course of transportation. As seen from the impugned order, the respondent has cancelled the licence granted to the petitioner, without any notice to her.

5.Being an instrumentality of the state, the respondent ought to have adopted fair play before cancelling the licence of the petitioner. Having not done so, this Court is of the considered view that the impugned order passed by the respondent dated 01.04.2022 has to be quashed and the matter has to be remanded back to the respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner including granting her the right of personal hearing.

6.However, the impugned order dated 01.04.2022 shall be treated as a show cause notice issued to the petitioner. The petitioner shall reply to the same, within a period of one (1) week from the date of receipt of a copy of this order. On receipt of such reply, the respondent shall pass final orders after affording a fair hearing to the petitioner including granting her the right of personal hearing, within a period of four (4) weeks thereafter. In the meanwhile, the petitioner shall continue to be a licensee under the respondent and transport milk for the respondent.

7.With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

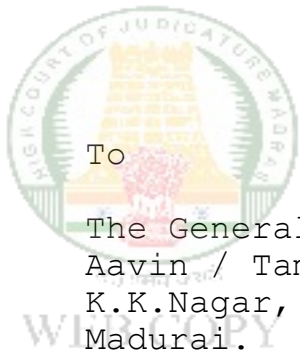
Assistant Registrar (RTI)

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/ /2022

Sub Assistant Registrar(CS)

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To

The General Manager,
Aavin / Tamilnadu Cooperative Milk Federation Ltd.,
K.K.Nagar,
Madurai.

+1 CC to M/s.SPL.GP. (SR-18386[F] dated 12/04/2022)

W.P. [MD]No.6727 of 2022

11.04.2022

=RD(28.04.2022) 3P 3C