



W.P(MD)No.11275 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11275 of 2022

and

W.M.P.(MD)Nos.8029 and 10573 of 2022

C.Murugan

... Petitioner

Vs.

1.The General Manager,
Theni District Co-operation Milk Producer's Union Ltd.,
No. - 183, Gandhiji 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, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the order for cancelling the Aavin Agency No.8298 passed by the 1st respondent vide Na.Ka.561/sale/2021 dated 12.05.2022 and to quash the same as unconstitutional, and illegal.

For Petitioner : Mr.T.Wins

For Respondents : Mr.J.Devasenar for R1
Mr.R.Ragavendran,
Govt. Advocate for R2.



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ORDER

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Heard the learned counsel on either side.

2.The petitioner questions the impugned order dated 12.05.2022 whereby his license as a milk agent has been cancelled. The petitioner came before this Court even at the show cause notice stage by filing W.P.(MD)No.5076 of 2022. Vide order dated 23.03.2022, the said writ petition was disposed of in the following terms:-

“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.”

3.The learned counsel for the petitioner specifically contended that he was not given the right of personal hearing. I called upon the learned standing



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counsel to clarify if any specific notice was issued in this regard. The learned standing counsel would assert that the petitioner was given personal hearing and even he drew my attention to the explanation dated 30.03.2022 given by the petitioner herein which has also been enclosed in page No.16 of the typed set of papers filed by the respondents. This does not meet the requirements set out in the earlier order passed by this Court. This Court had specifically envisaged that the first respondent should issue notice wherein the date of personal hearing should be indicated. If such a notice had been issued, then alone I can hold that the order passed by this Court on the earlier occasion had been complied with. Such a notice has not been issued nor has it been enclosed in the said typed set of papers. Therefore, on this sole ground, the impugned order is quashed. I grant liberty to the first respondent to give personal hearing notice to the petitioner and after hearing the petitioner pass order in accordance with law.

4.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

08.07.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:

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

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08.07.2022