



W.P.No.10785 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.04.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.10785 of 2023 and
WMP.Nos.10728 & 10729 of 2023

M.Bharathi

... Petitioner

Vs

1.The Vellore District Co-Operative Milk Producer Society Ltd.,
Rep. by its Special Officer,
No.142, Arcot Road,
Sathuvacheri, Vellore.

2.The General Manager,
Vellore District Co-Operative Milk Producer Society Ltd.,
No.142, Arcot Road,
Sathuvacheri, Vellore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, to call for the records of the 2nd respondent in his proceedings in Na.Ka.No.4110/V.P.1-2/19 dated 28.03.2023 and quash the same.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.K.V.Sajeev Kumar
Special Government Pleader



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ORDER

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Mr.K.V.Sajeev Kumar, learned Special Government Pleader is present in Court to take notice for the respondent Vellore District Cooperative Milk Producers Cooperative Society Limited. Bearing in mind the discussion at the time of admission and by consent expressed by both learned counsel, this writ petition is disposed finally even at the time of admission.

2.The petitioner has challenged proceedings in Na.Ka.No.4110/V.P.1-2/19 dated 28.03.2023 that unilaterally terminates her wholesale dealership in respect of Booth No.9009, Arakkonam Town. The petitioner was granted the dealership under Na.Ka.No.2680/V.P.1/08 on 30.01.2009 for sale and distribution of Aavin Milk Sachets by the then Vellore-Tiruvannamalai District Milk Producers Cooperative Society Limited, C-1325. The appointment was for the period from 01.02.2009 to 31.01.2011.

3.The petitioner claims that she has been engaged in the business from 01.02.2009 and her daily off take is in excess of 6200 litres besides the milk directly indented by the Naval Station, CSIF and Government Hospitals. Her service continued even pursuant to the bifurcation of the Vellore-Tiruvannamalai District qua the Vellore-Ranipet District when the VLR-309 Vellore District Cooperative Milk Producers Society Limited was established.



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Thus, the original allotment issued in 2009 was not disturbed. While this is so, she received the impugned order on 03.04.2023 terminating the dealership.

4.The grounds of challenge are that no notice was issued prior to the passing of the impugned order. That apart, the termination itself is for the reason that she has not increased the off take of milk since 2009. The petitioner points out that there is no minimum threshold or provision for enhancement in the agreement itself. She has been continuing in business since 2009 without any cause for complaint and hence is greatly prejudiced, she says, by passing of the impugned order.

5.A perusal of the impugned order reveals that the only document under reference is the proceedings under which the petitioner was appointed on 30.01.2009. Thus, clearly no notice has been issued to the petitioner which goes against the requirement of due process. That apart, the terms reveal that there is no minimum threshold that has been set. If at all the respondents were of the view that there should be any improvement in the off-take or the imposition of a minimum threshold for the same, the terms could well have been modified. Needless to say, it is always open to consider such a proposal going forward, call upon the dealers, hear them and thereafter carry out the revision in terms.



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6.However, in the absence, presently, for such a threshold in terms stated 30.01.2009, the impugned order cannot be sustained, quite apart from the fact that it has been issued without even an opportunity of hearing granted to the petitioner.

7.For the reasons as aforesaid, the impugned order is set aside and the writ petition is allowed. No costs. Connected miscellaneous petitions are closed.

06.04.2023

vs

Index : Yes / No

Speaking Order

Neutral Citation : Yes

Note:Issue order copy on 06.04.2023.

To

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