



W.A.No.1604 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.1604 of 2022

P.Nithya

.. Appellant

v.

1. The Chief Commercial Manager
Commercial Branch
Southern Railway
Chennai 600 003
2. The Senior Divisional Commercial Manager
Divisional Office
Commercial Branch
Southern Railway
Chennai 600 003
3. The Station Manager
Jolarpettai Railway Station
Jolarpettai
Thirupathur District



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4. The General Manager

Vellore-Thiruvannamalai District

Co-operative Milk Production Union Ltd.,

No.142, Arcot Salai-Savanchai

Vellore

.. Respondents

Appeal filed under Clause 15 of the Letters Patent, against the order dated 27.06.2022 passed in W.P.No.15800 of 2022.

For Appellant :: Mr.R.Govindasamy

For Respondents :: Mr.Prasad Vijayakumar
Senior Panel Counsel
Central Government
for R1 to R4

JUDGMENT

(Judgment of the Court was made by the Hon'ble Acting Chief Justice)

This writ appeal has been directed against the impugned order dated 27.06.2022 passed by the learned single Judge in Writ Petition No.15800 of 2022.

2. Learned counsel appearing for the appellant, assailing the impugned order, argued that when it is an admitted fact that the appellant was enjoying the lease for a period of five years with an extended period of



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164 days on account of the Covid-19 pandemic, her application for renewal of lease was erroneously rejected by the second respondent by the order dated 18.05.2022. The said order was put to challenge by the petitioner in Writ Petition No.13911 of 2022. Although the learned single Judge had granted an interim order of stay, when the matter was heard finally, the said writ petition was dismissed by the order dated 03.08.2022. The appellant has filed a review application against the said order and the same is also pending. In the meanwhile, in violation of the interim order of stay, the respondents have proceeded to issue the tender notification for the stall in question on 08.06.2022 and aggrieved thereby, the petitioner has filed the Writ Petition No.15800 of 2022. However, the learned single Judge, by the impugned order, has dismissed the said writ petition holding that the auction is conducted only in public interest and there is no prohibition for the writ petitioner or her representative to participate in the auction conducted by the respondents. Therefore, the learned counsel pleaded that the present writ appeal and the review application can be taken up together for common disposal.



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3. Learned Panel Counsel appearing for the respondents submitted that when the appellant was admittedly granted lease for a period of five years with a subsequent extension for a period of 164 days due to the Covid-19 pandemic, her request for renewal of lease was refused, on the ground that the operation of the milk stall in question was not satisfactory. Moreover, fines and penalties were also imposed against the appellant based on the public complaints as well as the deficiencies reported during the inspection conducted by the officials of the respondent Department. In support of his submissions, he has also placed before us a proceeding dated 22.12.2022 detailing the fines/penalties imposed against the appellant.

4. On perusal of the proceeding dated 22.12.2022, we find that the appellant has suffered the following fines and penalties while operating the milk stall in question:-

Sl. No.	Irregularities	Action taken	Remittance/ Remarks
1	Inspection of Catering Inspector	Fined Rs.1000/-	MR.No.5530534 1 dt.17.10.2017
2	Inspection of Catering Inspector	Fined Rs.1000/-	MR.No.0191510 3 dt. 25.12.2017



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Sl. No.	Irregularities	Action taken	Remittance/ Remarks
3	Complaint	Fined Rs.2000/-	MR.No.86816439 dt.05.02.2018
4	Inspection of Catering Inspector	warning	Dt.29.05.2018
5	Inspection of Catering Inspector	Fine Rs.500/-	MR.No.53006210 dt.02.07.2018
6	Inspection of Catering Inspector	warning	Dt.27.07.2018
7	Assistant Commercial Manager-II MAS Inspection/CIRs inspection	warning	Dt.15.02.2019
8	Inspection of Catering Inspector	Fined Rs.500/-	MR.No.48279480 dt.26.04.2019
9	Inspection of Catering Inspector	Fined Rs.1000/-	MR.No.33832910 dt.17.10.2019

5. Since the appellant has been fined and imposed with the repeated penalties as mentioned above, we do not find any merit in the writ appeal. We are also in agreement with the view taken by the learned single Judge that the auction is conducted only in public interest to get the best possible price and there is no prohibition for the appellant or her representative to participate in the impugned auction. Equally the appellant also cannot claim for automatic renewal of lease, when the discretion solely lies with the respondents.



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6. In view of the above, finding no infirmity with the impugned order, the writ appeal stands dismissed. Consequently, C.M.P.No.10683 of 2022 is also dismissed. However, there shall be no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.B.C.,J.)

Index : yes/no

24.01.2023

ss

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