



W.P(MD)No.2002 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.2002 of 2024

and

W.M.P(MD)Nos.1994, 1995 & 22864 of 2024

M.Chandran

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Tamil Nadu.

2.The Dean,
Kanyakumari Government Medical College,
Nagercoil,
Agateeswaram Taluk,
Kanyakumari District,
Tamil Nadu.

3.The Assistant Resident Medical Officer,
Kanyakumari Government Medical College,
Nagercoil,
Agateeswaram Taluk,
Kanyakumari District,
Tamil Nadu.

4.The General Manager,
Kanyakumari District Co-operative Milk
Producers Union Limited,
Nagercoil.



W.P(MD)No.2002 of 2024

5.The Executive Manager,
Public Works Department,
Building Construction and Maintenance Division,
Nagercoil.

6.S.Monika

7.Vimal

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the entire records in connection with the impugned order passed by the fourth respondent in proceeding Na.Ka.2415/MKG/2018 dated 03.07.2023 and the impugned order passed by the second respondent in proceeding Na.Ka.No. 3422/Thi.Va3/2023 dated 25.09.2023 and to set aside the same.

For Petitioner : Mr.Niranjan S.Kumar

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader
for R.1 to R.3 & R.5

Mr.K.Prabhu for R.4

Mr.F.Deepak for R.7

No Appearance for R.6

ORDER

This writ petition has been filed challenging the order passed by the fourth respondent in proceeding Na.Ka.2415/MKG/2018 dated 03.07.2023 and the order passed by the second respondent in proceeding Na.Ka.No. 3422/Thi.Va3/2023 dated 25.09.2023.



W.P(MD)No.2002 of 2024

2.The petitioner was granted license to run the Aavin Milk Parlour in the campus of the third respondent from the year 2013 for the benefit of the students of the Medical College and also patients who visit the hospital. The petitioner was granted permission by the proceedings of the second respondent dated 08.08.2013. While so, the petitioner was served with show cause notice dated 03.07.2023 that as to why the license of the petitioner should not be cancelled alleging breach of Clause No.19 of the agreement dated 31.03.2023. The petitioner submitted an explanation. Not satisfied with the same, the license of the petitioner was cancelled. Challenging the same, this writ petition came to be filed.

3.The learned counsel appearing for the petitioner submitted that in or to favour the seventh respondent who is none other than the husband of the sixth respondent, the license issued in favour of the petitioner was cancelled. The sixth respondent is none other than the present counsellor of Kanyakumari Corporation. The petitioner initially served with notice on 19.06.2023 alleging that the petitioner was selling products other than Aavin Milk and Milk products in contravention of the agreement. Subsequently, another notice was served on the petitioner dated



W.P(MD)No.2002 of 2024

03.07.2023 alleging that the petitioner is using domestic cylinder and violated Clause 19 of the agreement. If Aavin Milk Parlour itself conducts tender, then no need to show any other tenderer. The learned counsel further submits that the license of the petitioner was expired on April 2024 itself. He contended that the authorities have acted arbitrarily. When the petitioner's license period is not completed, it is not proper on the part of the authorities to cancel the license before the agreement period. The learned counsel for the petitioner called upon this Court to set aside the impugned orders and grant relief as prayed for.

4.The learned counsel appearing for the second respondent submitted that Aavin Milk Parlour is now decided to run the shop directly and no third party is permitted to run Aavin Milk Parlour. The Government passed an order in G.O(Ms)No.194 dated 21.06.2022. As per the Government Order, the Aavin Milk Parlour shall conduct milk parlours by its own department employees and if the parlours to be conducted by outsiders, tender notifications shall be issued.

5.Therefore, if the second respondent decides to give license to the third parties, the petitioner is at liberty to participate in the tender. It is



W.P(MD)No.2002 of 2024

also made clear that cancellation of the license will not in any way stop the petitioner from participating in the tender.

6.This Writ Petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

14.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

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Nagercoil, Agateeswaram Taluk, Kanyakumari District, Tamil Nadu.
- 3.The Assistant Resident Medical Officer,
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W.P(MD)No.2002 of 2024

G.K.ILANTHIRAIYAN, J.

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W.P(MD)No.2002 of 2024

14.11.2024