



W.P(MD)No.11693 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2024

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.11693 of 2024
and
WMP(MD)No.10438 of 2024**

K.Chelladurai

... Petitioner

vs.

1. The Managing Director,
Tamil Nadu Co-operative Milk Producers Union,
Nandhanam,
Chennai.
2. The Commissioner,
Tamil Nadu Co-operative Milk Producers Union,
Chepauk,
Chennai.
3. The General Manager (Aavin)
Madurai District Co-operative Milk Producers Union,
Sathamangalam,
Madurai.
4. The District Collector,
Madurai District,
Madurai.

... Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate action against the 4th respondent on the basis of the petitioner's representation dated 01.04.2024 and consequently to appropriate decision in respect of 25 routes i.e. Route Nos.2, 3, 5, 9, 11, 14, 15, 18, 20, 22, 23, 24, 25, 30, 31, 34, 35, 37, 39, 40, 50, 54, 55, 69 and 70 without incurring any loss to Aavin.

For Petitioner : Mr.M.Sricharan Rangarajan
Senior Counsel
for Mr.C.Jeganathan
For R1 to R3 : Mr.J.Devasenar, standing counsel
For R4 : Mr.P.Thilakkumar, Government Pleader

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

This writ petition has been filed for a Mandamus, directing the respondents 1 and 2 to take appropriate action against the 4th respondent on the basis of the petitioner's representation dated 01.04.2024 and consequently take a decision in respect of 25 routes i.e., Route Nos.2, 3, 5, 9, 11, 14, 15, 18, 20, 22, 23, 24, 25, 30, 31, 34, 35, 37, 39, 40, 50, 54, 55, 69 and 70, without incurring any loss to Aavin.



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The learned counsel for the petitioner would submit that the 4th respondent had called for tender for transporting milk products from Aavin Madurai to urban areas for 41 routes, of which, tenders in respect of 38 routes were accepted. Out of the 38, the petitioner was selected as L1 for four routes and the tender was finalised with excess of 10 percent from the earlier rate. However, the 4th respondent had finalised the tender in respect of 25 routes in favour of some persons at the rate of 20% to 57% excess to the earlier rates, which results in huge loss to the Aavin. According to the petitioner, in collusion with his close associates, the 4th respondent had finalised the tender in their favour fixing the highest rate. In this regard, the petitioner made a representation dated 01.04.2024, to the respondents 1 and 2, seeking to cancel the tender in respect of the said 25 routes and call for a new tender and finding no heed to it was paid, he has filed the present writ petition.

3. Heard both sides.



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4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the respondents 1 and 2 herein, to consider the petitioner's representation dated 01.04.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other concerned persons, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondents to consider the same on its own merits.



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7. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(M.S.R, J.) (A.D.M.C, J.)
03.12.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The District Collector,
Madurai District,
Madurai.



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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

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ORDER MADE IN
W.P(MD)No.11693 of 2024
DATED : 03.12.2024