



W.P.(MD).No.17832 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.17832 of 2024

Mamadurai 1078 K.K.Nagar Milk
Producers Co-operative Society,
Rep. By P.Murugan

... Petitioner

Vs

1. The Additional Chief Secretary to Government,
Animal Husbandry and Dairying Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.

2. The Commissioner,
Milk Production and Dairy Development,
Madhavaram,
Milk Colony, Chennai - 51.

3. The District Collector,
Office of the District Collector,
Sivagangai District,
Sivagangai.

4. The Deputy Registrar,
Milk Development,
Office of the Deputy Registrar,
Manamadurai, Sivagangai District.



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5. The General Manager,
The Sivagangai District Co-Operative
Milk Producers Union Limited,
Siruvayal Road,
Kazhanivasal, Karaikudi,
Sivagangai District – 630 002.

6. The Manager,
Aavin Cooling Center,
48 Colony, Sivagangai District.

7. Vasanthavalli

8. Manoj Kannan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent Nos.1 to 3 to conduct detailed enquiry on the basis of the petitioner's representation, dated 10.06.2024 and initiate necessary legal action against the erred officials.

For Petitioner : Mr. S.Malaikani

For Respondents : Mr.S.Shanmugavel (R1-R5)
Additional Government Pleader

ORDER

Heard Mr.S.Malaikani, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, for the respondents 1-5.



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2.This Writ Petition has been filed for a direction to the respondent Nos.1 to 3 to conduct detailed enquiry on the basis of the petitioner's representation, dated 10.06.2024 and initiate necessary legal action against the erred officials.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioner has filed this writ petition on behalf of Mamadurai 1078 K.K.Nagar Milk Producers Co-operative Society by raising allegation against the respondents 7 & 8, who are the staff of the Sivagangai Aavin Cooling Center, that the said persons, who are responsible for fixing the standard of milk supplied by them to the Society do not act in a fair manner, while fixing the price for the milk and even when milk is found to be substandard in accordance to their appreciation and they did not return the milk as well.

5.The learned Additional Government Pleader submitted that whenever the standard of the milk found to be substandard, that cannot be taken



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for Aavin and no price will be paid for that. However, the concerned will be called to come and take back the milk. If no one comes forward to take back the milk, then the said milk will be utilized for segregating the fat and for further process and that will only benefit the Society. It is submitted that the said action is done only to prevent the wastage of milk, though it is substandard. When the terms of supply between the supplier and the dealer is fixed, then the supplier has to comply with the said terms.

6.If the petitioner has got any grievance in the manner, in which, the price for the milk is fixed, then it is for him to approach the Government to change the Policy. It is further submitted that as per by-laws of the District Co-Operative Milk Producers Union, if there is any dissatisfaction in assessing the standard of the milk, then they will approach the Deputy Registrar. However, the petitioner had filed this petition seeking action against the staff of the District Co-Operative Milk Producers Union without even approaching the fourth respondent, who is the competent authority to redress the grievance if any addressed by the petitioner.



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7. So far as the respondents 7 & 8 are concerned, they are the employees of the District Co-Operative Milk Producers Union and it is for the 4th respondent to appraise their performance and initiate action after ascertaining the genuineness of the complaint made against them. In such matters, the Court cannot issue a direction as the matter falls within the discretionary powers and functions of the fourth respondent. In this regard the petitioner is at liberty to raise all the grievance before the fourth respondent and seek appropriate remedy, in the manner known to law.

8. Granting such liberty, this writ petition stands disposed of. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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To

1. The Director of Elementary Education,
Subba Road Avenue,
Nungambakkam, Chennai-8.

2. The District Educational Officer, (Elementary Education),
Paramakudi,
Ramanathapuram District.

3. The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

4. The Block Educational Officer,
Kadaladi Block,
Kadaladi, Ramanathapuram District.



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R.N.MANJULA, J.

PNM

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