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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28954 of 2022
and
W.P.(MD)No.8045 of 2024
and
W.M.P.(MD)Nos.22929, 22930 and 22932 of 2022
and
W.M.P.(MD)No.7301 of 2024

W.P.(MD)No.28954 of 2022:-

MS.2398 M.Parapatti All Women Milk
Producers Cooperative Society,
Rep. by its President,
K.Priya, Manunoothu Post,
Usilampatti, Madurai District. ... Petitioner

Vs.

1.The Registrar Cum Commissioner of Milk,
Milk Production and Diary Development Department,
Aavin Illam, Nandhanam, Chennai-600 035.

2.The Managing Director,
Milk Production and Diary Development Department,
Aavin Illam, Nandhanam, Chennai-600 035.

3.The Deputy Director,
Milk Production and Diary Development Department,
Madurai Aavin Complex, Madurai.

4.The General Manager,
A3101, Madurai District Milk Producers Cooperative Union,

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Sivagangai Road,
Madurai-625 020.

5.Team Leader,
Milk Collection Committee,
District Cooperative Milk Producers Union,
Aavin, Usilampatti, Madurai District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned order under Na.Ka.No.2058 / P & 1-1 /2020, dated 13.07.2022, on the file of the 4th respondent and to quash the same as illegal and further direct the respondents 3 and 4 to implement the Recommendation of the 5th respondent under Proceeding No. Nil, dated 05.07.2022 and the orders passed by the 4th respondent dated 11.07.2022, under Na.Ka.No.2058/Pa.U.U-1/2020.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader for R1 & R3.
Mr.K.Prabhu for R2, R4 & R5.

W.P.(MD)No.8045 of 2024:-

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2.The Managing Director,
Milk Production and Diary Development Department,
Aavin Illam, Nandhanam, Chennai-600 035.

3.The Deputy Director,
Milk Production and Diary Development Department,
Madurai Aavin Complex, Madurai – 625 020.

4.The General Manager,
Representing A3101, Madurai District
Milk Producers Cooperative Union,
Sivaganagi Road, Madurai - 625020.

5.The President,
Ms.2069 N.Perumalkovil Patti Milk
Producers Coopertive Society,
Perumalkovil Patti, Alli Kundam Panchayat,
Usilampatti Taluk, Madurai District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the order passed by the 4th respondent under Na.Ka.No.298/Pa.U.U-3/2024, dated 18.03.2024 and to quash the same as illegal and further direct the respondents herein to commence the running of the 5000 litres bulk milk cooler having been installed in the premises of the petitioner herein forthwith.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader for R1 & R3.
Mr.K.Prabhu for R2, R4 & R5.

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COMMON ORDER

The writ petitioner is a cooperative society comprising women members. They have made considerable investments and also constructed a pucca building. The Aavin (fourth respondent) had installed a bulk milk cooler (BMC having 5000 liter capacity) in the petitioner's premises. Aavin now told the petitioner that since the petitioner is unable to utilize BMC to its optimal capacity, it is proposed to remove BMC to some other premises. In this background, the present writ petitions were filed.

2.The matter was argued at length. I made it clear that it is the petitioner's responsibility to procure the required quantity of milk on their own and if this requirement is substantially fulfilled, definitely Aavin will be obliged to accept the procurement and also settle the dues. I decline to put this burden of original procurement of milk on Aavin. The matter was adjourned to enable the petitioner's counsel to get instruction.

3.Today ie., 15.07.2024, when the matter was taken up for hearing, the learned counsel for the petitioner on instructions submitted that the petitioner will assume responsibility for procuring not less than 4000 liters of milk. Of course, on certain days, due to fluctuation in market condition, the petitioner

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may not be able to reach the target. I am certain that fourth respondent will not take adverse view of such occasional shortfall. But the shortfall is of the pattern, then definitely, Aavin (fourth respondent) will be constrained to review their relationship with the petitioner and Writ Court cannot fault Aavin.

4.Recording the stand of the petitioner that they will assume responsibility to procure the requisite quantity of milk on a daily basis, the fourth respondent is directed to defer from taking any adverse decision for a period of four weeks. These writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

15.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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Milk Production and Diary Development Department,
Aavin Illam, Nandhanam, Chennai-600 035.

2.The Deputy Director,
Milk Production and Diary Development Department,
Madurai Aavin Complex, Madurai.

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G.R.SWAMINATHAN, J.

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and
W.P.(MD)No.8045 of 2024

15.07.2024
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