



WP (MD) No.19482 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.19482 of 2023

and

WMP (MD) Nos.16110, 16111 and 16112 of 2023

S.Rajaprabha

... Petitioner

Vs

1.The General Manager,
Virudhunagar District Co-Operative Milk
Producer's Union (Aavin),
Srivilliputhur,
Virudhunagar.

2.The Divisional Engineer,
Construction and Maintenance,
Highways Department (State),
Madurai Road,
Virudhunagar.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records relating to the impugned proceedings of the 1st respondent relating to the impugned proceedings of the 1st respondent in Na.Ka.No. 647/Agent Cancellation/2021, dated 27.07.2023 and quash the same as illegal and consequently direct the respondents to accept the licence fee paid by the petitioner and extend the licence to the petitioner Aavin High-Tech Parlour.



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WP (MD) No.19482 of 2023

For petitioner : Mr.E.Mareeskumar
For Respondent : Mr.K.Prabhu,
No.1 Standing Counsel
For Respondent : Mr.M.Sarangan,
No.2 Additional Government Pleader

ORDER

The petitioner, who is an agent of the Aavin is running a high-tech parlour situated in Sivakasi - Virudhunagar State Highways, opposite to the Standard Fire Works Rajaratnam College For Women, Sivakasi from 27.01.2021. Vide the order impugned in this writ petition, the respondents cancelled the licence granted to the petitioner and therefore, this writ petition is filed.

2.The learned Counsel for the petitioner submits that the impugned order has been passed without even affording any opportunity to the petitioner and before passing the impugned order, the petitioner ought to have been afforded an opportunity of hearing.



WP(MD)No.19482 of 2023

3.The learned Additional Government Pleader appearing for the respondents submits that the petitioner was permitted to conduct the Aavin parlour in the State Highways at Sivakasi opposite to an educational institution, a college for women wherein 3300 students are studying.The Principal of the said college has requested the District Collector vide his representation dated 06.09.2022 stating that due to the existence of this Aavin, some miscreants cause nuisance and inconvenience to the college students and requested to remove the same. Considering the said representation, the District collector has directed the authorities concerned to look into the issue. Accordingly, the impugned order came to be passed.

4.This Court considered the rival submissions and perused the materials placed on record.

5.The petitioner was permitted to run an Aavin parlour by the 1st respondent on 27.01.2021. Therefore, the respondents shall consider the case of the petitioner to allot him any other place undisputed place to run his Aavin without affecting the traffic flow.



WP(MD)No.19482 of 2023

6.This writ petition is disposed of with the above directions. No costs. Consequently connected miscellaneous petitions are closed.

28.08.2023

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

dsk

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WP (MD) No.19482 of 2023

B.PUGALENDHI, J.

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WP (MD) No.19482 of 2023

28.08.2023