

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P.No.41641 of 2016

T.A. Daivasigamani

... Petitioner

Vs.

1. The General Manager,  
The Coimbatore District Co-operative  
Milk Producers' Union Ltd.,  
Pachapalayam,  
Kalampalayam Post,  
Coimbatore - 10.

2. The Commissioner,  
Coimbatore Corporation,  
Coimbatore.

3. B. Jayalakshmi

... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 2<sup>nd</sup> respondent herein to consider the petitioner's representation dated 01.10.2016.

For Petitioner : Mr.B.Kumarasamy

For Respondents : Mr.V. Selvaraj  
Additional Government Pleader  
(Co-op.) for R1  
Mr.R. Sivakumar for R2

ORDER

The petitioner is having property in SF. Nos. 554/1, 554/2 and 555/1 to a total extent of 2 acres and 8 cents, having obtained the same by virtue of a settlement deed dated 20.01.2009. On 09.04.2015, the 1<sup>st</sup> respondent sent a communication to the 2<sup>nd</sup> respondent to find out a location for running a retail Aavin Milk Booth to be granted in favour of the 3<sup>rd</sup> respondent. According to the petitioner, pursuant to the said communication, the 2<sup>nd</sup> respondent chose a place at Telengupalayam

Periyvu, Perur Main Road, without conducting any public hearing or sending any communication to the General Public, granted permission to the 3<sup>rd</sup> respondent to have an Aavin Milk Booth in the above said place. According to the petitioner, the place chosen by the 2<sup>nd</sup> respondent, to locate the Aavin Milk Booth, is on the front side of the petitioner's property, ie. on the platform/road margin, which would affect his ingress and egress into his property. Moreover, the place is already prone to heavy traffic congestion and the location of the Aavin Milk Booth would further worsen the situation in the area. Hence, the petitioner gave a representation on 01.10.2016 to respondents 1 and 2 requesting them to relocate the Aavin Milk Booth. Since no orders were passed on the said representation, the petitioner has come forward with the present writ petition.

2. Heard Mr.B.Kumarasamy, learned counsel for the petitioner, Mr.V. Selvaraj, learned Additional Government Pleader (Co-op.) for the 1<sup>st</sup> respondent and Mr. R. Sivakumar, learned counsel for the 2<sup>nd</sup> respondent.

3. It is evident that the property of the petitioner has not been chosen to locate the Aavin Milk Booth to be run by the 3<sup>rd</sup> respondent. The location is only in front of the petitioner's property, which is not of a smaller extent, but measures 2 acres and 8 cents whereas the area required for the Aavin Milk Booth is only 10 x 10 sq.ft. Therefore, it would neither cause any hindrance to the traffic nor violate the right of the petitioner. The opening of Aavin Parlour is itself in the interest of the public.

4. For the above reasons, the prayer sought by the petitioner cannot be granted. The writ petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nv

To

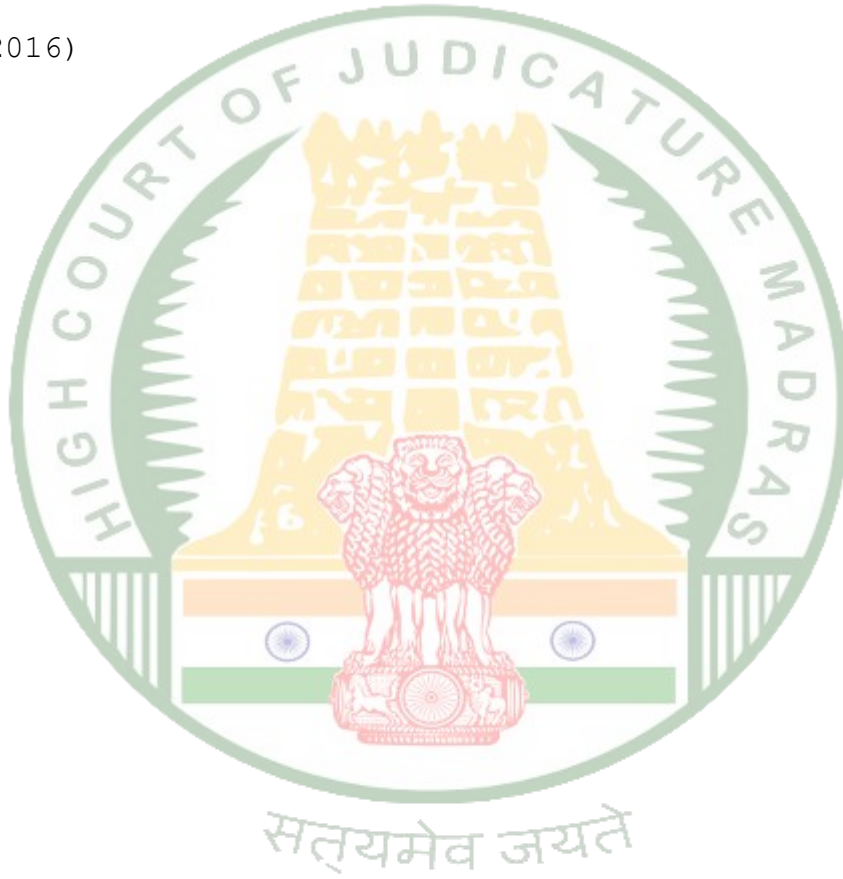
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Pachapalayam,  
Kalampalayam Post,  
Coimbatore - 10.

2. The Commissioner,  
Coimbatore Corporation,  
Coimbatore.

+1cc to Mr.V. Selvaraj, Advocate, S.R.No.69527  
+1cc to Mr.R. Sivakumar, Advocate, S.R.No.69900

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KS (CO)  
CA(20/12/2016)



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