

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7073 of 2016

Nithya

.. Petitioner

- Vs -

1. The Assistant Divisional Engineer,
Highways Department
Uthangarai, Krishnagiri District.

2. The Manager,
The Dharmapuri District Co-operative Milk
Producers Society,
Krishnagiri.

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to remove the Aavin Milk Vending Booth placed in front of the petitioner's vacant site situated in Survey Nos.19/35, 19/35B, 24/1C of Uthangarai Village by considering the petitioner's representation dated 28.12.2015.

For Petitioner : Mr.K.Thiruvengadam

For Respondents: Mr.D.Venkatachalam, GA (R1)

Mr.R.Bala Ramesh, AGP (R2)

O R D E R

The petitioner has filed this writ petition for a Mandamus, directing the respondents to remove the Aavin Milk Vending Booth placed in front of her vacant site situated in Survey Nos.19/35, 19/35B and 24/1C of Uthangarai Village by considering her representation dated 28.12.2015.

2. It is the case of the petitioner that she purchased a vacant house site measuring an extent of 780sq.ft in S.Nos.19/35, 19/35B and 24/1C, Uthangarai Village by a registered sale deed and rectification deed dated 31.03.2006. From the date of purchase, she has been in peaceful possession and enjoyment of the property and she has been paying the tax to the revenue authorities regularly till date. She also intended to construct a house and shop in the said vacant site. While so, the respondent officials accorded permission to put up an Aavin Milk Vending Booth to the 2nd respondent. Since the action of the first respondent directly affects the ingress and egress of

her vacant site, the petitioner made a representation dated 28.12.2015 to the first respondent to remove the milk vending booth placed in front of her plot. But, till date, no action has been taken by the first respondent. Therefore, the petitioner has filed the present writ petition for the above stated relief.

3. Heard the learned counsel for the petitioner, learned Government Advocate appearing for the first respondent and learned Additional Government Pleader appearing for the second respondent.

4. Considering the facts and circumstances of the case, this Court directs the first respondent to consider the representation of the petitioner dated 28.12.2015, by affording an opportunity of personal hearing to the petitioner as well as to the second respondent and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the first respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rk

To

1. The Assistant Divisional Engineer,
Highways Department
Uthangarai, Krishnagiri District.

2. The Manager, Dharmapuri District Co-Operative Milk,
Milk Producers Society,
Krishnagiri.

+ 1 cc to M/s. D. Venkatachalam, Advocate Sr.12027
+ 1 cc to M/s. R. Bala Ramesh, Advocate SR.12486
+ 1 cc to Government pleader sr.12562

W.P.No.7073 of 2016

ALA(CO)

Eu 03.03.16