



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2016

CORAM

**THE HON'BLE MR.JUSTICE A.SELVAM**

and

**THE HON'BLE MR.JUSTICE P.KALAIYARASAN**

W.P(MD) No.24706 of 2016

T.Saraswathy

... Petitioner

-vs-

The Divisional Engineer (C & M)  
Highways,  
Tirunelveli - 2.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus forbearing the respondent herein their men and subordinates or any other persons claiming through them from evicting the petitioner's Aavin Milk Parlour at Km 0/6 (Left side) North Mount Road, Tirunelveli without following the due process of law.

|                |                                                       |
|----------------|-------------------------------------------------------|
| For Petitioner | : Mr.A.Sivasubramanian                                |
| For Respondent | : Mr.D.Muruganandham<br>Additional Government Pleader |

**O R D E R**

[Order of the Court was made by **A.SELVAM, J.**]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus so as to deter the respondent from taking eviction proceedings in respect of the petitioner's Aavin Milk Parlour at Km 0/6 (Left side) North Mount Road, Tirunelveli.

2.It is averred in the petition that the petitioner has been granted permission to run Aavin Milk Parlour for a period of one year and as per the conditions mentioned in the licence, subsequent renewal must be done. The petitioner has given a requisition for getting renewal of licence. But the respondent has not done. Now the respondent has made arrangements to remove the Milk Parlour of the petitioner and therefore, the present petition has been filed for getting the relief sought therein.

3.The learned counsel for the petitioner has contended that the petitioner has been granted permission to run Aavin Milk Parlour from 19.10.2012 to 18.10.2013 and as per rules and regulations, permission should be extended and despite of



requisition made to the respondent, the respondent has not given extension. However, the respondent has made arrangements to remove the Aavin Milk Parlour mentioned in the petition and therefore, the present writ petition has been filed for getting the relief sought therein.

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4.The learned Additional Government Pleader appearing for the respondent has contended that permission to run milk parlour has been given to the petitioner from 19.10.2012 to 18.10.2013 and subsequently permission of the petitioner has not been extended and now as per the direction given by the District Collector, eviction proceedings have been taken and therefore, the relief sought in the petition cannot be granted.

5.It is an admitted fact that only on the basis of permission given to the petitioner, she has been permitted to run Aavin Milk Parlour from 19.10.2012 to 18.10.2013 and subsequently no extension has been given.

6.Considering the fact that the petitioner has been permitted to run Aavin Milk Parlour for a limited period as mentioned supra and also considering that no subsequent extension has been given to her, this Court is of the view that the respondent is having ample power to take eviction proceedings against the petitioner and therefore, the relief sought in the Writ Petition cannot be granted and altogether, the present petition deserves to be dismissed.

7.In fine, this Writ Petition is dismissed without cost. However, the petitioner is at liberty to give a requisition to the respondent to give time for eviction to certain period. If requisition is given, the respondent is directed to consider the same.

Sd/-

Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To

The Divisional Engineer (C & M) Highways, Tirunelveli - 2.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.83552

+1 CC to Mr.A.SIVASUBRAMANIAN, Advocate, SR No.83333

W.P(MD) No.24706 of 2016

mj

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