



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.12.2017
CORAM
THE HONOURABLE **MR. JUSTICE R. MAHADEVEN**

W.P. (MD) .No.10240 of 2017

WEB COPY

A.Rafiq Maideen

...Petitioner

Vs.

1. The Municipal Commissioner,
Aruppukottai Municipality,
Aruppukottai,
Virudhunagar District.
2. The Managing Director (Aavin),
Co-operative Milk Producers Society,
Srivilliputhur, Virudhunagar District.

3.K.Jeyapal

4.C.Ponmalai

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 & 2 to take appropriate action as against the respondents 3 & 4 on the basis of the representation of the petitioner dated 20.06.2016 and to cancel their license/lease to run the shop for the purpose except to which permission was granted under the name & style of AAVIN PALAGAM in the northern and southern side of the Arupukottai new bus stand, Arupukottai, Virudhunagar District.

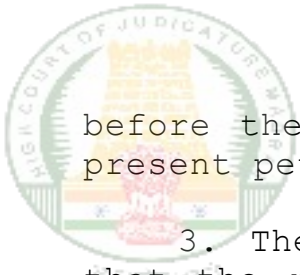
For Petitioner : Mr.M.Ponniah

For Respondents : Mr.N.Dilipkumar for R.1
Mr.L.Prabhu for R.2
Mr.V.R.Venkatesan for R.3 & R.4

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2. Alleging that the respondents 3 & 4 are selling various eatables as well as drinks, in the 'Aavin Palagam' situated in the Northern and Southern side of the Aruppukottai New Bus Stand, Virudhunagar District, which are not produced / supplied by Aavin, the petitioner has submitted a representation dated 20.06.2016,



before the respondents 1 & 2 and because of their inaction, the present petition came to be filed.

3. The learned Counsel for the petitioner further submitted that the respondents 3 & 4 are running the 'Aavin Palagam' in a separate building, instead of the bunk, which is usually supplied by the second respondent / Aavin, which is not justifiable.

4. The learned Counsel appearing for the contesting respondents, on the other hand, stoutly refuted the contentions, who, in turn, submitted that after obtaining necessary permission from the Municipality, they had constructed the building and are doing their lawful business there.

5. Such a stand of the contesting respondents is affirmed by the learned Counsel appearing for the official respondents and they further submitted that any violation of the terms and conditions will lead to cancellation of licence.

6. Heard both sides and perused the documents placed on record.

7. Be that as it may, if the licensees are violating the terms and conditions, by selling products other than Aavin products, it is the bounden duty of the authorities concerned to act accordingly, in the manner known to law.

8. Under such circumstances, this Court, without going into the merits of the claim, directs the respondents 1 & 2 to consider and pass orders on the representation of the petitioner dated 20.06.2016, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, respondents 3 & 4 as well as all the other interested parties, if any, within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(w)

/True Copy/

Sub Assistant Registrar

To

1. The Municipal Commissioner,
Aruppukottai Municipality,

<https://hcservices.asia.com.pk/hcservices/>

Virudhunagar District.



2. The Managing Director (Aavin),
Co-operative Milk Producers Society,
Srivilliputhur, Virudhunagar District.

+1cc to Mr.M.Ponniah, Advocate Sr.No.90957

+1cc to Mr.L.Prabhu, Advocate Sr.No.90851

+1cc to Mr.V.R.Venkatesan, Advocate Sr.No.91516

+1cc to Mr.N.Dilipkumar, Advocate Sr.No.90966

GK

VB/MR/KKR/SAR3/22/12/2017/3P/7C

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