



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)Nos. 13787 of 2013, 8337 of 2009 and 8808 of 2011

W.P.(MD)No. 13787 of 2013

A.Venkatachalapathy

... Petitioner

vs.

1.The Principal District Judge,
District Court Complex,
Thanjavur.

2.The Managing Director,
Thanjavur District Co-operative Milk
Producers Union Limited, Thanjavur - 6.

3.The Executive Engineer,
Public Works Department,
Building Construction and
Maintenance Divison, Thanjavur.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents their agents or any other persons authorized by them in any manner from disturbing the petitioner to run the Aavin Milk Bar in the District Court Complex Thanjavur.

For Petitioner

: Mr.R.Devaraj for
Mr.J.Parekhkumar

For 3rd Respondent

: Mr.Aayiram K.Selvakumar for R3
Government Advocate

W.P.(MD)No.8337 of 2009

A.Venkatachalapathy

... Petitioner

vs.

1.The Registrar (Management),
Madras High Court,
High Court Compound,
Chennai - 104.

2.The Principal District Judge,
District Court Complex,
Thanjavur.

3.The Managing Director,
Thanjavur District Co-operative Milk
Producers Union Limited, Thanjavur - 6.



4.The Executive Engineer,
Public Works Department,
Building Construction and
Maintenance Divison, Thanjavur.

5.The General Manager,
Thanjavur District Co-operative Milk
Producers Union Limited,
Thanjavur - 6.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the records of the 1st respondent in his proceedings in ROC.No.1402-C/2007/D4 dated 19.02.2009 and that of the proceedings of the 1st respondent in ROC.No.1402-C/2007/D4 ROC.No.1328/2008/D4 ROC.No.1205-B/2008/D4 ROC.No.2400-A/2008/D4 dated 06.05.2009 and that of the proceedings of the 2nd respondent in D.No.2960/2009/B2 dated 16.07.2009 and that of the proceedings of the 2nd respondent in D.No.3053/2009/B2 dated 21.07.2009 and that of the proceedings of the 5th respondent in his proceedings in Na.Ka.No.160/Sale/2002 dated 17.08.2009 and quash the same consequently directing the respondents 1 and 2 to give consent for running the Aavin Milk Bar in the District Court Complex, Thanjavur by the petitioner by directing the 5th respondent to renew the licence to the petitioner to run the Aavin Milk Bar in the District Court Complex, Thanjavur.

For Petitioner	: Mr.R.Devaraj for Mr.J.Parekhkumar
For Respondents 1	: Mr.D.Venkatesan
For 4 th Respondent	: Mr.Aayiram K.Selvakumar Government Advocate
For Respondents 3 & 5	: No appearance

W.P.(MD)No.8808 of 2011

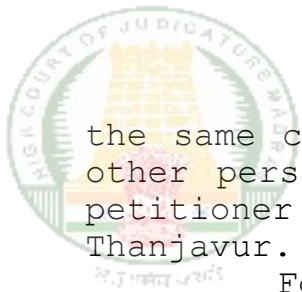
A.Venkatachalapathy ... Petitioner
vs.

1.The Executive Engineer,
Public Works Department,
Building Construction and
Maintenance Division, Thanjavur.

2.The Managing Director,
Thanjavur District Co-operative Milk
Producers Union Limited, Thanjavur - 6.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records in relating to the order dated 01.08.2011 passed by the 1st respondent in his proceedings in Letter No. Ka.Kaa/2011 and quash



the same consequently forbear the respondents their agents or any other person authorized by them from in any manner disturbing the petitioner to run the Aavin Milk Bar in the District Court Complex Thanjavur.

For Petitioner : Mr.R.Devaraj for
Mr.J.Parekhkumar
For 1st Respondent : Mr.Aayiram K.Selvakumar
Government Advocate
For 2nd Respondent : No appearance.

COMMON ORDER

The grievance of the petitioner, in all these writ petitions is one and the same and hence the common order is passed.

2.The petitioner was permitted to run Aavin milk bar as a concessionaire by the District Collector of Thanjavur who is also the Special Officer of the respondent milk society. Based on an official memorandum issued by the Registrar, High Court, Madras dated 12.02.2009, the learned Principal District Judge, Thanjavur had directed the Public Works Department to take necessary steps to conduct a public auction for running Aavin milk bar and take steps to vacate milk bar run by the petitioner. Aggrieved against these actions, the petitioner is before this Court.

3.When the writ petitions were taken up for hearing, the learned Standing counsel for the respondents was directed to file a status report as to the mode adopted for allotting licence to run Aavin milk booth in various District Court campuses.

4.Learned standing counsel for the respondents on written instructions from the Registrar of the Madras High Court submitted that among all the 32 District Courts in the State of Tamil Nadu, public auction was conducted only for six Districts Courts for installation of Aavin Milk Bars.

5.In this background, I am of the view that unless the respondents take a concrete and uniform decision regarding the mode of allotment of Aavin milk booth in all the District Court campuses, they cannot discriminate the petitioner alone and bring the milk booth for public auction. Therefore, the impugned orders passed in the above writ petitions are quashed. Consequently, the fifth respondent in W.P(MD)No.8337 of 2009 is directed to renew the licence of the petitioner to run Aavin milk bar in the District Court campus at Thanjavur. Such an exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P & A)

/True Copy/



To

1. The Registrar (Management),
Madras High Court, High Court Compound,
Chennai - 104.

2. The Principal District Judge,
District Court Complex, Thanjavur.

3. The Managing Director,
Thanjavur District Co-operative Milk
Producers Union Limited, Thanjavur - 6.

4. The Executive Engineer,
Public Works Department, Building Construction and
Maintenance Division, Thanjavur.

5. The General Manager,
Thanjavur District Co-operative Milk Producers Union Limited,
Thanjavur - 6.

+1cc to Mr. J. PAREKH KUMAR Advocate in SR. No. 8561

+1cc to Mr. SPEICAL GOVERNMENT PLEADER Advocate in SR. No. 8626

SMS

JS/PM/AN/24.02.2017/4P-8C

W.P. (MD) Nos. 13787 of 2012, 8337 of 2009 and
8808 of 2011
14.02.2017