

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.2641 of 2018

R.Selvam

S/o.R.Rangasamy

.. Petitioner

Vs.

1.The District Collector
Namakkal District
Namakkal.

2.The Assistant Director
Rural Development (Panchayats)
Namakkal.

3.The Block Development Officer
Office of Block Development Office
Kolli hills Taluk,
Namakkal District.

4.The General Manager (Aavin)
Salem District Cooperative Milk
Producers Union Ltd.,
Salem.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 to grant appropriate permission to the petitioner for opening of Aavin Milk Booth at the premises of Semmedu Bus Stand, Valavanthi Nadu, Kolli hills, by considering petitioner's representation dated 28.12.2017 & 04.01.2018, which is submitted as per the 4th respondent's proceeding in Na.Ka.No.7777/Sell/M-4/14 dated 27.12.2017.

For Petitioner: Mr.R.Marudhachalamurthy

For Respondents: Mr.E.Balamurugan

Additional Government Pleader
for R1 & R2

Mr.E.Jaganathan

Government Advocate, for R3

O R D E R

Mr.E.Balamurugan, learned Additional Government Pleader takes notice for the respondents 1 & 2. Mr.E.Jaganathan, learned Government Advocate takes notice for the third respondent. Since this writ petition is being disposed of, without affecting the interest of the fourth respondent in any manner and in view of the fact that the fourth respondent is only a formal party, notice to the said respondent is dispensed with.

2. The petitioner seeks for a Mandamus, directing the respondents 1 to 3 to grant appropriate permission for opening Aavin Milk Booth at the premises of Semmedu Bus Stand, Valavanthi Nadu, Kolli hills, by considering his representations dated 28.12.2017 & 04.01.2018, submitted as per the proceedings dated 27.12.2017.

3. It is seen that the fourth respondent through their proceedings dated 27.12.2017, issued a licence to the petitioner to have the Aavin Milk Booth at a specified place viz., Semmedu Bus Stand, Valavanthi Nadu, Kolli hills, Namakkal District and such licence period is upto 31.03.2019. Thereafter, the petitioner approached the third respondent and sought permission to locate his Aavin Milk Booth at the above said place. The third respondent through proceedings dated 25.01.2018, expressed that permission can be granted to locate the said Aavin Milk Booth, subject to certain terms and conditions. Thereafter, the petitioner made the representations on 28.12.2017 and 04.01.2018, before the first and third respondents, seeking for permission to locate such Aavin Milk Booth.

4. Therefore, it is for the first respondent to consider the said representations and pass orders on the same on merits and in accordance with law, as this Court, at this stage, is not expressing any view on the claim made by the petitioner. Accordingly, this writ petition is disposed of, only with a direction to the first respondent to consider the request of the petitioner and pass orders on the same on merits and in accordance with law, also by considering the licence issued by the fourth respondent through their proceedings dated 27.12.2017. Such exercise shall be done by the first respondent within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector
Namakkal District
Namakkal.

2.The Assistant Director
Rural Development (Panchayats)
Namakkal.

3.The Block Development Officer
Office of Block Development Office
Kolli hills Taluk,
Namakkal District.

4.The General Manager (Aavin)
Salem District Cooperative Milk
Producers Union Ltd.,
Salem.

+ 1 cc to MR. R. Mardhachalamurthy, Advocate Sr.9606

+ 1 cc to the Government Pleader SR.9703

W.P.No.2641 of 2018

(CS-V)
EU(12/02/2018)



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