



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.9489 of 2018

and

W.M.P. (MD) No.8741 of 2018

P.Manimozhiyan

... Petitioner

vs.

1. The General Manager
Madurai District Cooperative
Milk Producers Union
(Aavin), Madurai-20

2. The Deputy General Manager
Marketing Department
Madurai District Cooperative
Milk Producers Union
(Aavin), Madurai-20

3. The Manager
Marketing Department
Theni Zone
Madurai District Cooperative
Milk Producers Union
(Aavin), C.C.Building
SIDCO, Theni
Theni District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to permit the petitioner to start the operation of Aavin Parlour bearing No.8000 and consequently directing the respondents to allow him to run parlour till the period permitted (i.e.) upto 17.08.2019 as per on license granted in favour of him by the first respondent vide through his proceedings in Na.Ka.No.4102/Marketing.1/2017, dated 18.07.2017.

For Petitioner : Mr.A.Mithun Chakravarthi

For Respondents : Mr.Murugan
Government Advocate

O R D E R

Mr. Murugan, learned Government Advocate, takes notice for the respondents.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his representation dated 28.03.2018 seeking permission to start the Aavin Parlour bearing No.8000 and to permit him to run the parlour till the permitted period (i.e.) upto 17.08.2019 as per the license granted in his favour by the first respondent vide proceedings in Na.Ka.No.4102/Marketing.1/2017, dated 18.07.2017, has not been considered by the respondents till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the first respondent to consider the petitioner's representation dated 28.03.2018 on its own merits and take further action in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To:

1. The General Manager,
Madurai District Cooperative
Milk Producers Union,
(Aavin), Madurai-20.



2. The Deputy General Manager,
Marketing Department,
Madurai District Cooperative
Milk Producers Union,
(Aavin), Madurai-20.

3. The Manager,
Marketing Department,
Theni Zone,
Madurai District Cooperative
Milk Producers Union,
(Aavin), C.C.Building,
SIDCO, Theni, Theni District.

+ 1 cc TO Mr.A.Mithun Chakravarthi , Advocate in SR No. 63839
+ 1 cc TO The Special Government Pleader in SR No. 64235

krk

AE/KKR/SAR2/16.05.2018/3P/6C

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