



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE C. SARAVANAN

W.P. (MD) No. 1034 of 2014

and M.P. (MD) No. 1 of 2014

Madasamy

:Petitioner

vs.

1. The District Collector,
Tirunelveli District.
Tirunelveli.
2. The Divisional Engineer (C & M),
Highways, Tirunelveli-2.
3. The Junior Engineer (C & M),
Highways, Palayamkottai,
Tirunelveli District.
4. Tirunelveli District Cooperative Milk
Producers Union Limited,
Rep. by its Managing Director,
General Manager,
Rediarpatti, Perumalpuram Post,
Tirunelveli - 7.
5. The Assistant Engineer,
Tamilnadu Electricity Board,
Perumalpuram, Tirunelveli District.
6. The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in Ka.No.3977/2012/Val/, dated 30.11.2013 and the consequential order in Ka.No.3977/2012/Val/, dated 20.12.2013, quash the same, and direct the second respondent to permit the petitioner to run the Aavin Milk Booth located at Km.154/9 (Right Side) of Madurai - Kanyakumari Road (Abanded NH Tirunelveli Town Limit).

For Petitioner : Mr.R. Subramanian
For Respondents-1 to 3 : Mr. D. Murugananatham
Additional Government Pleader

For Respondents-4 & 6 : Mr.Aayiram K. Selvakumar
Standing Counsel.

For Respondent-5 : Mr. S.M.S. Johny Basha



ORDER

This Writ Petition has been filed seeking, direction to call for the records pertaining to the impugned order passed by the second respondent in Ka.No.3977/2012/Val/, dated 30.11.2013 and the consequential order in Ka.No.3977/2012/Val/, dated 20.12.2013, quash the same, and direct the second respondent to permit the petitioner to run the Aavin Milk Booth located at Km.154/9 (Right Side) of Madurai - Kanyakumari Road (Abanded NH Tirunelveli Town Limit).

2. The learned counsel for the petitioner would submit that the petitioner obtained a license for a period of one year, from 19.10.2012 to 18.10.2013, for running a Aavin Milk Booth on the highway. However, when the renewal of the license came up in the year 2013, the second respondent by the impugned order dated 30.11.2013, refused to renew the license. The order dated 08.03.2013, based on which the impugned order has been passed is a general order and not a specific to the petitioner's case. The impugned order dated 30.11.2013, of the second respondent mere refers to the decision of the District Traffic Committee. The petitioner has filed a copy of the recommendation letter, dated 05.02.2013 of the District Traffic Committee wherein the application of the petitioner has been favourably recommended by the District Traffic Committee.

3. The learned Additional Government Pleader has filed a copy of the proceedings of the District Traffic Committee (DTC), dated 08.03.2013. I have gone through the same. The said proceedings of the District Traffic Committee is a general order directing the respondents to not to renew licence where ever they are or obstruction to traffic. It is not specific to the petitioner's case.

4.The learned Additional Government Pleader has also filed a photograph of the shop to show that the petitioner's shop was a hindrance to the traffic. The order dated 08.03.2013, based on which the impugned order has been passed is a general order and not a specific to the petitioner's case. The petitioner has however obtained an order of *status-quo*, dated 28.01.2014 and that order has been in force till today.

5.In view of the fact that the petitioner has already enjoyed the benefit of *status-quo* order for four years, eventhough, under the normal circumstances, he would have had to approach the authorities for renewal of the license at the end of every year, I am not inclined to dismiss the Writ Petition. Petitioner is therefore directed to approach the District Traffic Committee for an approval and thereafter approach the second respondent for renewal of the licence. If the petitioner's shop is not located on the objectionable area the District Traffic Committee(DTC) may consider and recommend the petitioner's case.



6. The petitioner shall approach the District Traffic Committee(DTC) within 30-days from the date of receipt of copy of this order. If the District Traffic Committee gives approval, the petitioner shall thereafter file an appropriate application for renewal of the license with the second respondent. In case, the District Traffic Committee refuses to grant permission, the petitioner shall remove the shop, within 30 days of the communication. Till then the present *status quo* shall remain in force.

7. The above Writ Petition is disposed of with the above terms. No costs. Consequently, connected miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

Sub Assistant Registrar

ksa

To:

1. The District Collector,
Tirunelveli District.
Tirunelveli.
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Producers Union Limited,
Rep. by its Managing Director,
General Manager,
Rediarpatti, Perumalpuram Post,
Tirunelveli - 7.
5. The Assistant Engineer,
<https://hcservices.ecourts.gov.in/hcservices/>
Tamilnadu Electricity Board,
Perumalpuram, Tirunelveli District.



6. The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

+1CC to Mr.R.SUBRAMANIAN , Advocate SR.No.96071.

+1CC to The Special Government Pleader SR.No. 96305.

W.P. (MD) No.1034/2014

19.11.2018

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