

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.9365 of 2018

M.Loganathan

.. Petitioner

Vs

- 1.The Commissioner of Police,
Coimbatore City Police,
Coimbatore-641 018.
- 2.The Corporation Commissioner,
Coimbatore Municipal Corporation,
Coimbatore-641 001.
- 3.The Superintending Engineer (H),
Construction and Maintenance,
Highways Department,
Office of the Superintending Engineer,
Coimbatore-641 018.
- 4.The General Manager,
Coimbatore Co-operative Milk Producers' Union,
Aavin, Pachapalayam,
Kalampalayam (P.O),
Coimbatore-641 010.
- 5.The Superintendent of Police,
Coimbatore District,
Coimbatore-641 018.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 5 to take action all the representation of the petitioner dated 05.10.2017 within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.R.Suresh Kumar
for M/s.K.M.Vijayan Associates

For Respondents : Mr.S.Kamalesh Kannan
Government Advocate
for respondent Nos.1, 3 and 5

Mr.K.Magesh
for respondent No.2

Mr.L.P.Shanmugasundaram
Spl. Govt. Pleader (Co-op)
for respondent No.4

ORDER

(Order of the Court was made by M.Duraiswamy, J.)

The petitioner has filed the above writ petition to issue a writ of mandamus directing respondent Nos.1 to 5 to take action on the representation of the petitioner dated 05.10.2017 within a time frame.

2. It is the case of the petitioner that the encroachers have put up Aavin Milk Parlours without obtaining licence from the authorities and therefore, the encroachments made by them should be removed.

3. The General Manager, Coimbatore District Co-operative Milk Producers Union Limited i.e., respondent No.4, has filed counter-affidavit wherein he has stated that the Aavin, Coimbatore, sells its products through its own Parlours run by its own employees in and around Coimbatore and Tirupur. Further, he has stated 148 retail agencies were given to private agencies to sell Aavin products. On inspection of the said 148 retail agencies by the Marketing Officials, it was found that many agencies were selling other products. Therefore, out of 148 retail agencies, respondent No.4 had cancelled 28 agencies on 26.06.2018 and issued show cause notice to 77 Parlours on 13.07.2018. Thus, from the averments stated in the counter-affidavit filed by respondent No.4, it is clear that respondent No.4 is taking steps to remove the unauthorised Aavin Milk Parlours run by the encroachers.

4. The learned counsel appearing for the petitioner submitted that in view of the specific averments stated in paragraph 2 of the counter-affidavit filed by respondent No.4, the same may be recorded and the writ petition may be closed.

5. In view of the submissions made by the learned counsel appearing on either side and also recording the averments stated in paragraph 2 of the counter-affidavit filed by respondent No.4, the writ petition is closed. No costs. Consequently, W.M.P.No.11176 of 2018 is also closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

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To:

- 1.The Commissioner of Police,
Coimbatore City Police,
Coimbatore-641 018.
- 2.The Corporation Commissioner,
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Coimbatore-641 001.
- 3.The Superintending Engineer (H),
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Aavin, Pachapalaym,
Kalampalayam (P.O),
Coimbatore-641 010.
- 5.The Superintendent of Police,
Coimbatore District,
Coimbatore-641 018.

+1cc to M/s.K.M.Vijayan Associates, Advocate SR.No.62485
+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.No.62825
+1cc to Special Government Pleader (CO.OP) SR.No.62766
+1cc to Government Pleader, High Court, Madras SR.No.63406

W.P.No.9365 of 2018

CA(CO)
GMV(13/08/2019)