



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.5571 of 2019

and

W.M.P. (MD) .No.4395 of 2019

Moideen

... Petitioner

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.Head of the Department,
No.M.M.296,
District Co Operate Milk Producers,
Kalyanaramapuram,
Pudukottai District.

3.The Block Development Officer,
Village Panchayat,
Thirumayam,
Pudukottai District.

4.The Superintendent of Police,
National Highway,
226, Diamond Nagar,
Pudukottai-622003.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus by directing the third respondent to restore the Aavin Milk Shop at the north side of the Bus Stand, Thirumayam, Pudukottai District by considering the petitioner representation dated 02.03.2019.

For Petitioner : M/s.K.Malathi

For Respondents 1, 2 & 4 : Mr.M.Karuppasamy
Government Advocate

**ORDER**

Heard the learned counsel appearing on either side.

2.The petitioner is running Aavin Parlor Shop inside the Thirumayam bus stand since 2007. The petitioner has enclosed the proceedings dated 07.08.2007 issued in his favour by the second respondent. The petitioner had located his shop in the northern side of the bus stand. It appears that the petitioner is facing some difficulties from another shop owner. It is further alleged that due to the pressure exerted by the said shop owner, the Local Body passed a resolution for allotting a shop for the petitioner on the southern side of the bus stand. The petitioner has specifically alleged that the southern side of the bus stand is used for dumping food waste and it is not conducive for running a milk parlor shop.

3.Of course, the petitioner cannot have choice of site when the Local Body make an allotment. The specific allegation is that the southern side of the bus stand is unfit for running a Milk Parlor Shop. In any event when the petitioner is running his Parlor shop on the northern side of the bus stand since 2007, there is no justifiable reasons for transferring the petitioner's allotted site to southern side.

4.Therefore, the third respondent is directed to issue proceedings in favour of the petitioner by restoring the allotted site on the northern side of the bus stand where the petitioner has been running the parlor shop since 2007. The said proceedings shall be issued within a period of four weeks from the date of receipt of a copy of this order.

5.With the above direction, the writ petition is disposed of. No costs. Consequently, the connected W.M.P.(MD).No.4395 of 2019 is also closed.

Sd/-

Assistant Registrar (Cr1.side)

/ True Copy /

Sub Assistant Registrar(CS)

vsg

To

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Pudukottai District, Pudukottai.

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District Co Operate Milk Producers,
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+1 CC to M/s.K.MALATHI, Advocate (SR-55030[F] dated 19/03/2019)

+1 CC to M/s.SPL GP (SR-55298[F] dated 20/03/2019)

W.P. (MD) No.5571 of 2019
19.03.2019

ES/KK/15.04.2019/3P/7C