



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.10170 of 2019

and

W.M.P. (MD) .Nos. 7888 & 7889 of 2019

M. Muvarasan

... Petitioner

vs.

1.The Commissioner,  
Madurai Corporation,  
Madurai - 625 003.

2. The General Manager,  
A 1301, The Madurai District Cooperative  
Milk Producers Union, Ltd., (Aavin),  
Madurai - 625 020.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of **Writ of Certiorarified Mandamus** calling for the records, pertaining to the impugned order, vide., No.Ma.Va.4/001275/18 dated 01.04.2019 issued by the 1st respondent as not valid and void under law and thereby quash the same as illegal and pass such other order in consequence of the same, directing the 1st respondent to give licence and permission in petitioner name as the 2nd respondent Franchisee Aavin Parlour in the vacant site on the Northern side of the Thiruparankundram Main Road, adjacent to the Thiyagarajar Higher Secondary School (near the Andalpuram Bus stop) for the proposed allocation site for Aavin Parlours Parlours for an extent of 0.9126.0 sq. metres, in T.S. No.96, which belongs to the first respondent.

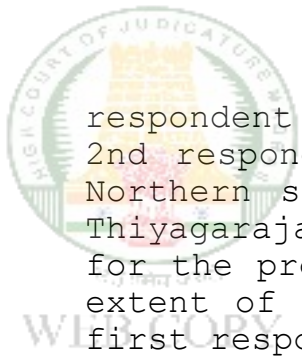
For Petitioner : Mr.F.X. Eugene

For Respondent-1 : Mr.T.S.Mohamed Mohideen

For Respondent-2 : Mr.E. Marees Kumar

### **O R D E R**

The instant Writ Petition is filed seeking for a direction to quash the impugned order, vide., No.Ma.Va.4/001275/18 dated 01.04.2019 issued by the 1st respondent as not valid and void under law and also sought for a consequential direction to the first



respondent to give licence and permission in petitioner name as the 2nd respondent Franchisee Aavin Parlour in the vacant site on the Northern side of the Thiruparankundram Main Road, adjacent to the Thiagarajar Higher Secondary School (near the Andalpuram Bus stop) for the proposed allocation site for Aavin Parlours Parlours for an extent of 0.9126.0 sq. metres, in T.S. No.96, which belongs to the first respondent.

2. According to the petitioner, he is a licensee under the second respondent. It appears that the petitioner was allotted with a Aavin Parlours, the first respondent has also specified a location, however, he was not permitted to erect the Aavin Parlours, in view of the rental arrears payable by the second respondent to the first respondent.

3. The learned counsel appearing for the first respondent has produced a memo containing rental arrears as on today. According to him, the second respondent has paid a sum of Rs.1,18,20,879/- as rental arrears and the balance rental due is Rs.1,18,20,879/-. According to the second respondent, they have cleared as per old rate to the first respondent and with regard to the revised rate they are holding negotiation with the first respondent.

4. Considering the fact that the second respondent has paid substantial amount towards rental arrears, in such circumstances, the first respondent is directed to consider the request of the petitioner to establish a Aavin Parlours, positively, within a period of Four weeks, from the date of receipt of a copy of the order.

5. With the above directions, the Writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

ksa

TO

The Commissioner,  
Madurai Corporation,  
Madurai - 625 003.



+1 CC to M/s.T.S. MOHAMED MOHIDHEEN, Advocate ( SR-99762[F] dated 20/11/2019 )

+2 CC to M/s.F.X. EUGENE, Advocate ( SR-99778 & 100106 [F]

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**19.11.2019**

JMN(02.12.2019) 3P : 5C