

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2020

CORAM

THE HONOURABLE Dr. JUSTICE ANITA SUMANTH

W.P.No.5488 of 2018

C.Murugan

.. Petitioner

Vs.

- 1.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Kottai Mariamman Thirukoil Complex,
Salem.
- 2.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Narasimhar Thirukoil Complex,
Namakkal.
- 3.The Executive Officer,
Sri Arapaleeswarar Thirukoil,
Hindu Religious & Charitable Endowment Department,
Valapur Nadu, Kollimaiali Taluk,
Namakkal District.
- 4.The General Manager (Aavin),
Salem District Cooperative Milk Producers Union Ltd.,
Salem.
.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to grant appropriate permission to the petitioner for opening of Aavin Milk Booth at the premises of Sri Arapaleeswarar Thirukoil Complex, Kollihills, Valapur Nadu, Namakkal by considering petitioner's representations dated 28.12.2017, 18.01.2018 & 21.02.2018, which is submitted as per the 4th respondent's proceeding in Na.Ka.No.7777/Sell/M-4/14 dated 27.12.2017.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.M.Karthikeyan (for R1 & R2)

Special Government Pleader
Mr.B.Jaganath (for R3)

ORDER

The petitioner is sought a mandamus seeking direction to the respondents 1 to 3 to grant permission to the petitioner for opening an Aavin Milk Booth at the premises of Sri Arapaleeswarar Thirukoil Complex, Kollihills, Valapur Nadu,

Namakkal by considering various representations.

2.Though the matter has been hanging fire from 2018, today the learned counsel for the Executive Officer/R3 places on record, a Resolution dated 28.02.2018 to the effect that the representations of the petitioner have been considered and rejected. He is unable to confirm whether this Resolution has been served upon/furnished to the petitioner earlier and the learned counsel for the petitioner is received the same in Court today, vehemently denying receipt of the same till date.

3.Be that as it may, with the passing of Resolution dated 28.02.2018, the writ petition is rendered infructuous as the prayer sought for stands achieved. I may state that it is highly inappropriate for R3 to have sat on the Resolution for a period in excess of two years without communicating the same to the petitioner. Thus, the petitioner is granted at liberty to challenge the Resolution in a manner known to law.

4.This writ petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vs

To

- 1.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Kottai Mariamman Thirukoil Complex,
Salem.
- 2.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Narasimhar Thirukoil Complex,
Namakkal.
- 3.The Executive Officer,
Sri Arapaleeswarar Thirukoil,
Hindu Religious & Charitable Endowment Department,
Valapur Nadu, Kollimaiali Taluk,

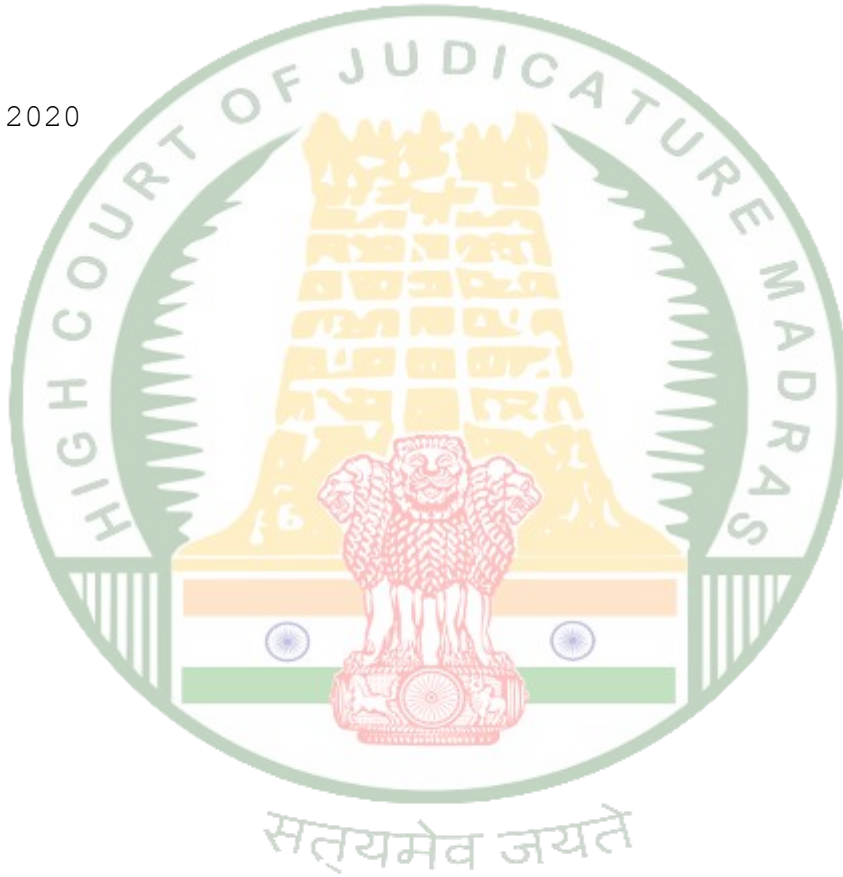
Namakkal District.

4.The General Manager (Aavin),
Salem District Cooperative Milk Producers Union Ltd.,
Salem.

+1cc to Mr.B.Jagannath, Advocate,C.CS.R.No.20895
+1cc to Mr.R.Marudhachalamurthy, Advocate, CC.S.R.No.21467
+1cc to the Spl.Government Pleader (HR&CE), CC.S.R.No.21216

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BR(CO)
nvi/28.05.2020



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