



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.361 of 2020

A.Velu

... Petitioner

Vs.

- 1) The Divisional Engineer,
Highways (Construction & Maintenance),
State Highways Department,
Dindigul Division,Dindigul.
- 2) The Assistant Divisional Engineer,
Highways (Construction & Maintenance),
State Highways Department,
Dindigul Division,Dindigul.
- 3) The District Collector,
Dindigul District,Dindigul.
- 4) The Commissioner,
Dindigul Corporation,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to grant permission to the petitioner to newly run Aavin Milk Booth in the land in T.S.No.813, Ward No.5 situated at Near Roundana, Bharathpuram, Mettupatti Road, Dindigul District based on the petitioner's representation dated 17.12.2019.

For Petitioner : Mr.C.Abul Kalam Azad
For RR 1 to 3 : Mrs.J.Padmavathi Devi,
Special Government Pleader
For R4 : Mr.J.Lawrence

O R D E R

Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice on behalf of the respondents 1 to 3.

2. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents to grant permission to the petitioner to newly run Aavin Milk Booth in the land in T.S.No.813, Ward No.5 situated at Near Roundana, Bharathpuram, Mettupatti Road, Dindigul District based on the petitioner's representation dated 17.12.2019.

4. The case of the petitioner is that, he obtained a license from the General Manager, Aavin Milk, Dindigul District on 10.01.2019 for running Aavin Milk Booth in the above said property.



Subsequently, the petitioner applied for 'No objection Certificate' to the fourth respondent, whereby the petitioner was advised to apply to the Highways Department as the property falls within the jurisdiction of the said Department. The petitioner had sent his representation, dated 17.12.2019 vide RPAD seeking permission to run Aavin Milk Booth. Till date, the respondents have not granted permission. Aggrieved over the same, the petitioner has approached this Court by way of filing the present writ petition.

5. In view of the above, without expressing any opinion on the merits of the claim made by the petitioner, the respondents are directed to consider the representation of the petitioner dated 17.12.2019 and pass appropriate orders on the same, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

- 1) The Divisional Engineer,
Highways (Construction & Maintenance),
State Highways Department, Dindigul Division,
Dindigul.
- 2) The Assistant Divisional Engineer,
Highways (Construction & Maintenance),
State Highways Department, Dindigul Division, Dindigul.
- 3) The District Collector,
Dindigul District, Dindigul.
- 4) The Commissioner,
Dindigul Corporation, Dindigul.

+1 CC to M/s.C.ABDUL KALAM AZAD, Advocate (SR-6407[F]

+1 CC to M/s.SPL.GP (SR-6610[F] dated 17/02/2020)

+1 CC to M/s.J.LAWRENCE, Advocate (SR-6405[F] dated 14/02/2020)

Order made in
W.P(MD)No.361 of 2020
Dated:14.02.2020

SMA/26/02/2020/2P/8C

<https://hcservices.ecourts.gov.in/hcservices/>