



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2020

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.6260 of 2017

and

W.M.P. (MD)Nos.4947 and 4948 of 2017

P.Rajasekar

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Director,
Medical Rural Health Services
and Family Welfare Department,
DMS Compound,
Chennai-6.

2.The Joint Director,
Health Services,
Government Head Quarters Hospital Campus,
Dindigul District, Dindigul.

3.The General Manager,
Dindigul District Co-operative,
Milk Producers Union Limited,
Upstairs-160, No.9,
East Govinthapuram,
Dindigul District.

4.Abdullah

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.2578/P.VI/2017 dated 14.03.2017 on the file of the third respondent and quash the same as illegal and consequently forbearing the fourth respondent from interfering with the petitioners business operations at Aavin Milk retail depot in the premises of the second respondent Government Hospital Campus, Dindigul within the time stipulated by this Court.

For Petitioner

: Mr.T.Lajapathi Roy



For R1 and R2

: Mr.M.Rajarajan
Government Advocate

For R3

: Mr.Maresh Kumar

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O R D E R

Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner, Mr.M.Rajarajan, learned Government Advocate appearing for the first and second respondents and Mr.Maresh Kumar, learned counsel appearing for the third respondent.

2. The petitioner is a licensee under the third respondent. He has been permitted to run Aavin milk retail depot within the premises of Government Hospital Campus, Dindigul. The petitioner has to pay license fee annually. It appears that he had committed default. Therefore, the third respondent took action for terminating the license. That led to the filing of the instant writ petition.

3. When the matter was taken up for final hearing, it was submitted that even in the month of June, 2020, the petitioner had paid a sum of Rs.1,00,000/-. The petitioner's counsel fairly admits that the petitioner is still in arrears.

4. This Court made it clear that the petitioner can continue to be a licensee under the third respondent, only if arrears of license fee are cleared in full. The learned counsel wanted me to take judicial notice of the prevailing pandemic and wanted this Court to permit the petitioner to clear the arrears in easy installments.

5. The learned standing counsel asserts that current liability of the petitioner has been quantified of Rs.2,77,304/-. The petitioner shall clear it in four monthly installments. The first installment will commence on 03.08.2020. The petitioner has to scrupulously clear the arrears. Even if one of the installments is left unpaid, the benefit of this order will stand automatically vacated. The petitioner ofcourse, has to pay the license fee for the upcoming years also. So long as the petitioner is paying the license fee and there are no arrears, the petitioner can continue to be a licensee subject to the general norms and policy of the third respondent. In other words, the petitioner will not be discriminated, but he has to necessarily abide by the policies, that may be issued by the third respondent from time to time. The moment the petitioner clears the outstanding liability as quantified above, the respondents shall issue necessary directions renewing the license of the petitioner.



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6. This writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Director,
Medical Rural Health Services and Family Welfare Department,
DMS Compound,
Chennai-6.
- 2.The Joint Director,
Health Services,
Government Head Quarters Hospital Campus,
Dindigul District, Dindigul.

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AP (29.07.2020) 3P-3C