

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.15407 of 2020

S.John Dominic Xavio

...Petitioner

Vs

1. The Commissioner,
Corporation of Coimbatore,
Periyankadi Street,
Coimbatore - 641 001.

2. The Assistant Commissioner,
Central Zone,
Coimbatore Corporation,
Coimbatore - 641 001.

3. The Commissioner of Police,
O/o. The Commissioner of Police,
Coimbatore,
Coimbatore District.

4. The General Manager,
The Coimbatore Dist Co-Op
Milk Producers Union Ltd.,
Pachapalayam,
Kalampalayam Post,
Coimbatore - 641 010.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to provide no objection certificate to run a milk vending bunk shop opposite to Sree Annapoorna Gowrishankar Hotel, Covai Arts College Road based upon the consent issued by the 4th respondent in connection with Na.Ka.No.01620/sales/milkshop/2016 dated 02.05.2020.

For Petitioner

: Mr.S.Kingston Jerold

For R1 & R2

: Mr.J.Ramesh, AGP

For R3 & R4

: Mr.D.Venkatesan, GA

ORDER

The prayer made in this writ petition is to direct the respondents 1 to 3 to provide no objection certificate to run a milk vending bunk shop opposite to Sree Annapoorna Gowrishankar Hotel, Covai Arts College Road, based on the consent given by the 4th respondent vide communication in Na.Ka.No.01620/sales/milkshop/2019 dated 12.05.2020.

2.It is the case of the petitioner that he is a physically challenged person and a senior citizen; and he intends to run a bunk shop (milk vending) on road side for his livelihood. The 4th respondent vide communication dated 12.05.2020, has also given consent to issue licence to run an Aavin Milk Vending Unit at Covai Arts College opposite to Sree Annapoorna Gowrishankar Hotel, subject to production of no objection certificate from the police authorities. Hence, the petitioner made a representation dated 26.05.2020 to the respondents 1 to 3 seeking no objection certificate. On receipt of the same, without passing any orders the third respondent insisting the petitioner to obtain no objection certificate either from the corporation or Highways Department, which according to him is totally unwarranted. According to the petitioner, the subject area falls within the jurisdiction of the respondents 1 to 3; and there is no requirement to obtain no objection certificate from the Highways Department. With these averments, the petitioner has come up with this writ petition for the aforesaid relief.

3.Heard both sides and perused the materials placed before this Court.

4.From the pleadings and submissions made by the parties, it could be seen that based on the petitioner's representation dated 06.05.2020, the fourth respondent has agreed to grant permission to the petitioner to run a milk vending bunk shop opposite to Sree Annapoorna Gowrishankar Hotel at Covai Arts College Road, subject to production of no objection certificate from the concerned police authorities and also addressed a communication dated 12.05.2020 to the third respondent. Thereafter, no order is forthcoming from the respondents.

5.In such view of the matter, this Court directs the respondents 1 to 3 to consider the representation of the petitioner dated 03.01.2020 and pass appropriate orders, on merits and in accordance with law, and also based on the communication dated 12.05.2020 sent by the 4th respondent, within a period of six (6) weeks from the date of receipt of a copy of this order.

6.This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mtl

To

1. The Commissioner,
Corporation of Coimbatore,
Periyankadi Street,
Coimbatore - 641 001.
2. The Assistant Commissioner,
Central Zone,
Coimbatore Corporation,
Coimbatore - 641 001.
3. The Commissioner of Police,
O/o. The Commissioner of Police,
Coimbatore, Coimbatore District.
4. The General Manager,
The Coimbatore Dist Co-Op
Milk Producers Union Ltd.,
Pachapalayam,
Kalampalayam Post,
Coimbatore - 641 010.

+1 cc to M/s.S.Kingston Jerold, Advocate, S.R.No.22374
+1 cc to the Government Pleader, S.R.No.22494

सत्यमेव जयते

W.P.No.15407 of 2020

PL(CO)
SRG/12/07/2021

WEB COPY