

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 21.04.2021

Coram

The Honourable Mr.Justice D.KRISHNAKUMAR
W.P.No.29635 of 2018

S.Nazeer Ahemed

...Petitioner

Versus

- 1.The District Collector,
Krishnagiri District,
Krishnagiri.
- 2.The General Manager,
Aavin,
Krishnagiri - 635 101.
- 3.The Sale Manager,
Aavin,
Krishnagiri - 635 101.
- 4.The Supervisor,
Aavin, Local Sales I/C,
Milk Marketing Office,
Hosur - 635 109.
- 5.The Commissioner,
Hosur Municipality,
Hosur,
Krishnagiri Taluk.

...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing to dispose of the representation dated 09.10.2018, especially to the General Manager, Aavin, Krishnagiri District, within a time as may be stipulated by this Court.

For Petitioner : Mr.T.Srikrishna Bagavat

For Respondent - 1 : Mr.D.Suryanarayanan,
Government Advocate

Respondents - 2 to 4: Mr.D.Venkatesan,
Government Advocate

Respondent - 5 : Mr.N.Subbarayalu

O R D E R

With the consent on both sides, this writ petition is taken up for final disposal.

2. The case of the petitioner is that he is a handicapped person running Aavin Milk business at Aavin Petty Shop near TVS Toilet, near Bus Stand, Hosur. The Hosur Municipality by Resolution No.266 dated 30.06.2014 accorded sanction to the petitioner to run the business of Aavin products and also the Aavin Department granted him the license for supply of Milk and allied products. The petitioner paid a sum of Rs.42,000/- as advance and a rent of Rs.3,500/- plus other Taxes to the Hosur Municipality. He had obtained electricity connection and paying the electricity consumption charges without any default.

2.1. While so, the petitioner's license for supply of milk products by the Aavin expired on 31.07.2017 and that he made a representation to the Aavin Authorities to renew the license. The Aavin Authorities demanded the petitioner to pay ransom for renewal of license. The Hosur Municipal Authorities also informing the petitioner that unless he get renewal of his license from Aavin, they will not allow him to do the business. Hence, the petitioner made a representation dated 11.07.2018 to the Commissioner, Hosur Municipality to renew the lease from 01.08.2017 to 03.08.2020 under Assessment No.153/2014 and E.B. connection No.2569. The Municipal Authorities asked the petitioner to produce the renewal of license from Aavin Authorities. Therefore, the petitioner also made a representation dated 23.07.2018 to the General Manager, Aavin Department, Krishnagiri to renew the license from 01.08.2017 to 03.08.2020 under the Assessment No.153/2014. But, all his efforts were went in vain. Due to the non-renewal of License, the Aavin Department had suddenly stopped the supply of Milk and allied products to the petitioner from May 2018. Hence, the aggrieved petitioner made a representation dated 09.10.2018 to the respondents under registered post with acknowledgement, however, no steps have been taken yet. Finally, left with no other alternative, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner would submit that the petitioner is running the Milk business only after getting necessary permission from the Hosur Municipality. He would also submit that being a handicapped person, the petitioner is unable to pay the ransom money demanded by the Local Authorities of Aavin for the renewal of license. Though the petitioner made representation to the Aavin Authorities for the renewal of his license, the same was not yet considered by them. He would

further submit that except this milk business, the petitioner has no other source of income to run his family and so he is facing hardships.

4. The learned counsel appearing for the fifth respondent Municipality would contend that the respondent Municipality allotted a place to the petitioner for running his milk business but as per the terms and conditions, the petitioner has not paid the arrears of rent to the respondent Municipality. He would further contend that if the entire arrears of rent is not paid by the petitioner, the respondent Municipality will vacate the petitioner's shop by passing appropriate orders.

5. The learned counsel for the petitioner would submit that the petitioner undertakes to settle the entire arrears of rent to the fifth respondent Municipality as early as possible. Further, he prays that if the petitioner pays the entire arrears of rent to the fifth respondent Municipality, this Court may issue appropriate direction to the second respondent to consider the petitioner's representation dated 09.10.2018.

6. Considering the submissions made by the learned counsel for the petitioner, this Court issues the following directions:

(i) The petitioner is directed to pay the entire arrears of rent to the fifth respondent Municipality within a period of eight weeks from the date of receipt of a copy of this order. Thereafter, the petitioner shall submit a fresh representation to the second respondent.

(ii) On receipt of such representation, the second respondent is directed to consider the same and take appropriate steps, as expeditiously as possible.

7. This Writ Petition is disposed of with the above directions. However, there shall be no order as to costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The General Manager,
Aavin,
Krishnagiri - 635 101.

3.The Sale Manager,
Aavin,
Krishnagiri - 635 101.

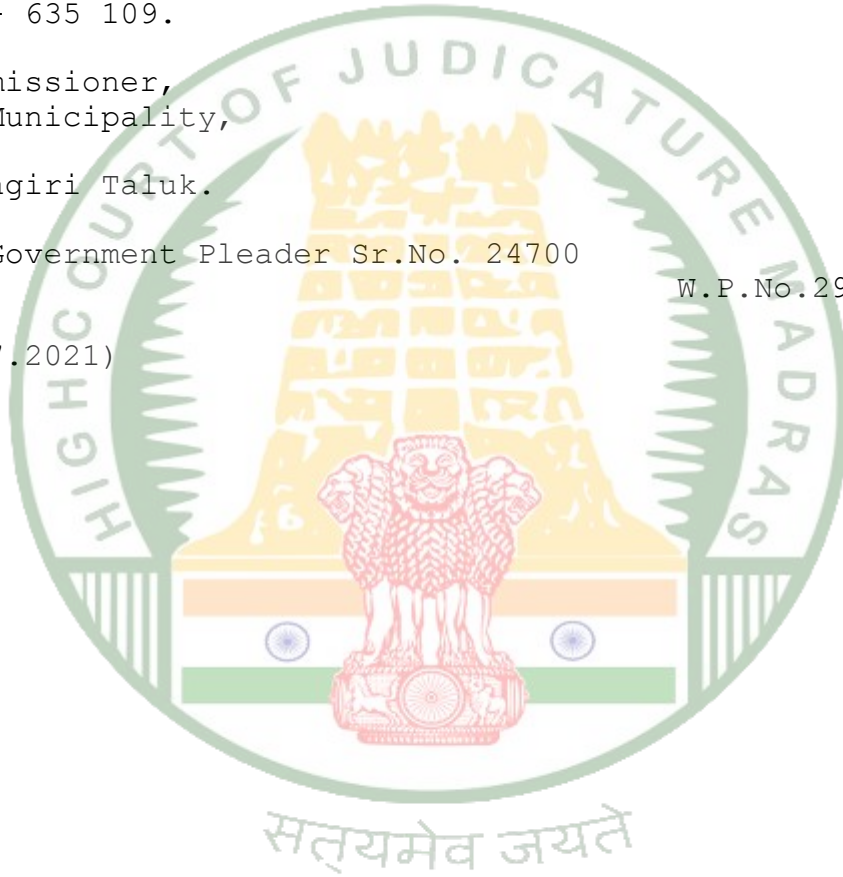
4.The Supervisor,
Aavin, Local Sales I/C,
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5.The Commissioner,
Hosur Municipality,
Hosur,
Krishnagiri Taluk.

+1 cc to Government Pleader Sr.No. 24700

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AJB CO
A.SK(01.07.2021)



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