



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD)No.17533 of 2021

Elanthirayan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Co-operative Milk Producers' Federation Limited,
Aavin Illam,
No.36-A, Pasumpon Muthuramalinga Thevar Road,
Nandanam Extension,
Nandanam,
Chennai-600 035.

2.The General Manager,
The Thanjavur Co-operative Milk Producers Union Ltd.,
No.870, Nanjikottai Road,
EB Colony, Annai Sathy Nagar,
Thanjavur,
Tamil Nadu - 613 007.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to consider the representation dated 30.08.2021 and to direct the first respondent to allot new license in the name of the petitioner.

For Petitioner : Mr.M.Madhu Prakash
For Respondents : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks the consideration of his representation dated 30.08.2021 in relation to the issuance of a licence in his name for functioning as an agent in respect of an Aavin Milk Booth.

2. The petitioner states that his father, the late C.Palanivel, had applied for and obtained the licence in the year 2012 to run an Aavin Milk Booth. Such licence was cancelled and is subject matter of civil proceedings as between the petitioner's late



father and one Mr.Mani.

3. Upon the death of his father on 10.05.2021, the petitioner states that he and his wife have taken charge of the shop. The petitioner relies upon a communication dated 05.07.2021 by which the Pattukkottai Municipality agreed to transfer the shop to the name of the petitioner. After submitting a representation dated 30.08.2021 seeking issuance of licence, the present Writ Petition is filed.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the petitioner's representation may be considered and disposed of on merits.

5. The decision as to whether a licence should be issued or not and, if so, the method to be followed in such respect is a matter squarely within the domain of the respondents. Nevertheless, the petitioner points out that no tender or auction has been conducted till date in relation to his Aavin Milk Booth. However, it appears that there is a dispute with one Mr.Mani. Consequently, while considering the petitioner's representation, the said Mr.Mani should be put on notice.

6. Subject to the above observations but without entering any findings on the merits of the matter, the respondents are directed to consider the petitioner's representation dated 30.08.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and Mr.Mani. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order.

7. Accordingly, W.P.(MD).No.17533 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (Records)

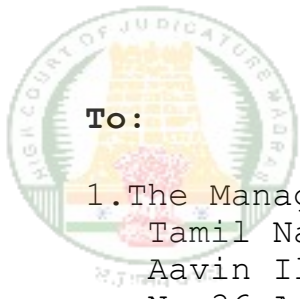
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/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

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:

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+1 CC to M/s.SPL.GP (SR-30877[F] dated 01/10/2021)

W.P (MD) No.17533 of 2021

30.09.2021

RD(12.10.2021) 3P 4C