



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17536 of 2021

E.Ramayee

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The General Manager (Aavin),
A1301, The Madurai District
Co-operative Milk Producers Union Ltd.,
Sivagangai Main Road,
Sathamangalam, Madurai-20.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to take appropriate action on the petitioner's representation dated 22.09.2021 and consequently restraining the second respondent from any manner disturb petitioner's lawful appurtenant Aavin Kiosk.

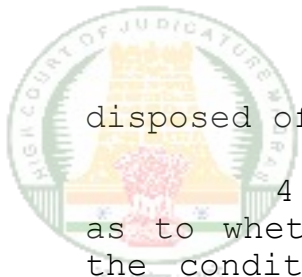
For Petitioner : Mr.S.Kishore Kumar
For Respondents : Mr.B.Saravanan,
Counsel for State.

ORDER

The petitioner complains that the second respondent has permitted another person to set up a milk parlour at a location adjacent to the existing milk booth of the petitioner.

2. According to the petitioner, if such milk parlour is permitted to be established close to the petitioner's milk booth, it would put the petitioner out of business. Therefore, the petitioner submitted a representation dated 22.09.2021 and seeks the intervention of this Court.

3. Mr.B.Saravanan, learned counsel for the State, appears on behalf of both the respondents. On written instructions, he submits that the petitioner's representation would be considered and



disposed of on merits and in accordance with law.

4. From the documents on record, it cannot be ascertained as to whether the petitioner was appointed as an Agent subject to the condition that no other milk booth would be permitted to be established within a prescribed radius. Nonetheless, the establishment of another milk parlour or booth at a location very close to the petitioner's milk booth would certainly have an impact on the business and revenues of the petitioner. If the other milk parlour does not deal in the same products as the petitioner's milk booth, there may not be an impact on the business. These are aspects that the second respondent may have to take into account. There may also be applicable rules or guidelines with regard to maintenance of a minimum distance in such regard. Such aspects may also be taken into account.

5. Subject to the above observations but without entering any findings on the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 22.09.2021 and issue a reasoned order thereon within a period of thirty (30) days from the date of receipt of a copy of this order.

6. Accordingly, W.P(MD).No.17536 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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 District Collector,
Madurai District, Madurai.

2.The General Manager (Aavin),
A1301, The Madurai District
Co-operative Milk Producers Union Ltd.,
Sivagangai Main Road,
Sathamangalam, Madurai-20.



+1 CC to M/s.S.KISHORE KUMAR, Advocate (SR-31485[F] dated 07/10/2021)

+1 CC to M/s.SPL.GP (SR-31332[F] dated 06/10/2021)

WEB COPY

W.P (MD) No.17536 of 2021
05.10.2021

RD(20.10.2021) 3P 5C