



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD) .No.20837 of 2021

and

W.M.P(MD) .No.17452 of 2021

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M.Valarmathi

... Petitioner

Vs.

1.The Executing Engineer,
Office of the Executive Engineer,
Public Works Department,
Buildings (Construction and Maintenance) Division,
Madurai-625 002.

2.The General Manager,
The Madurai District Milk Producers Cooperative
Society Limited(AAVIN), Sathamangalam,
K.K.Nagar, Madurai-625 020.

3.The Principal District and Sessions Judge,
District Court Buildings, K.K.Nagar,
Madurai-625 020. ...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to permit the petitioner to sell the AAVIN Milk products in the premises of the third respondent i.e. District Courts Buildings as per the proceedings issued by the first respondent in Se.Mu.Ka.No.Va.Pa/E.Va.Aa-1/Ko-221/2019 dated 06.03.2019 and on the basis of petitioner's representation dated 08.11.2021.

For Petitioner	:	Mr.C.Gangai Amaran
For R1 & R2	:	Mr.J.John Rajadurai Government Advocate(Civil)
For R3	:	Court

ORDER

The Writ Petition has been filed in the nature of Mandamus, seeking a direction against the respondents 1 to 3 to permit the petitioner to sell AAVIN milk products in the premises of the third respondent/District Court Buildings at Madurai, in accordance with the provisions of the first respondent, dated 06.03.2019. The petitioner had given a representation on 08.11.2021.

2.The petitioner had applied to the second respondent to sell milk products and to do the business at the milk parlour situated in



the premises of the third respondent. The first respondent executed a lease deed for Rs.1,38,000/- in favour of the petitioner for running the business in the premises of the third respondent. This lease period was from 01.04.2016 to 31.03.2019. The petitioner had sought renewal.

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3.The respondent, conducted an inspection. It had been stated that according to the respondents, the petitioner has also been selling various other products. It was stated that the business was closed owing to the COVID-19 Pandemic. The petitioner had been seeking permission to reopen the milk parlour and to continue the business. It was also stated that there was an allegation that the petitioner was selling other products apart from the products of the first and second respondents.

4.Heard Mr.C.Gangai Amaran, the learned Counsel for the petitioner and Mr.J.John Rajadurai, learned Government Counsel for the first and second respondents.

5.The petitioner was directed to file an affidavit that he would not sell any other product apart from milk products and accordingly, an affidavit, dated 24.11.2021, had been filed by the petitioner, in which, he had stated that he would not sell Samosas or any other snacks except the AAVIN milk products in the milk parlour in the premises of the third respondent.

6.Taking that affidavit on record, a direction is given to the respondents herein, to consider the representation, dated 08.11.2021. The respondents may also examine the petitioner in person and obtain any other undertaking as is required and therefore pass necessary orders within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/lr

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



To

1.The Principal District and Sessions Judge,
District Court Buildings, K.K.Nagar,
Madurai-625 020.

2.The Executing Engineer,
Office of the Executive Engineer,
Public Works Department,
Buildings (Construction and Maintenance) Division,
Madurai-625 002.

3.The General Manager,
The Madurai District Milk Producers Cooperative
Society Limited (AAVIN), Sathamangalam,
K.K.Nagar, Madurai-625 020.

W.P (MD) .No.20837 of 2021
08.12.2021

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