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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.2949 of 2022

and

W.M.P.Nos.3099 & 3100 of 2022

V.Kumaravel

...Petitioner

Vs.

1.The Villupuram District Co-Operative
Milk Producers' Union Ltd. (TND 495),
Rep. by its General Manager,
Vazhudhareddy, Kandamanady S.O,
Villupuram - 605 401.

2.The Villupuram Municipality,
Rep. by its Commissioner,
No.734, PJN Road,
Villupuram.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st Respondent to consider the Petitioner's representations dated 30.12.2021 and 06.01.2022 and extend the lease period for Petitioner's Aavin Retail Outlet from 2022 to 2023, in terms of the Lease dated 26.02.2021 in Na.Ka.No.8345/2020/A1 granted by the 2nd Respondent Municipality.

For Petitioner :Mr.T.Vijay Narayan
Senior Counsel
for Mr.N.S.Amogh Simha

For R1 : Ms.S.Anitha
Special Government Pleader (Co-op.)

For R2 : Mr.S.Ravikumar
Special Government Pleader

O R D E R

This Writ Petition is filed for issuance of writ of Mandamus, directing the 1st respondent to consider the



petitioner's representations dated 30.12.2021 and 06.01.2022 and extend the lease period for petitioner's Aavin Retail Outlet from 2022 to 2023, in terms of the lease dated 26.02.2021 in Na.Ka.No.8345/2020/A1 granted by the 2nd respondent Municipality.

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2. According to the petitioner, he made an application to the 1st respondent for the license to run retail outlet for sale of Aavin milk and milk products. The 1st respondent informed the petitioner that if the 2nd respondent allots the place for running a retail outlet for sale of Aavin milk and milk products, the license can be granted for the petitioner. On the application, the 2nd respondent has permitted the 1st respondent to run retail outlet for sale of Aavin milk and milk products either directly or through licensed agent. On receipt of said communication, the 1st respondent nominated the petitioner as licensed agent of 1st respondent for setting up Aavin Retail Outlet at his own cost, for the sale of Aavin milk and other milk products. The 2nd respondent granted license for the petitioner for a period of three years and the petitioner complied with all the conditions imposed by the 2nd respondent including deposit of amounts. The petitioner has spent nearly a sum of Rupees Ten Lakhs for construction of pucca building to run Aavin Retail Outlet and he is running the same without any remarks. The petitioner was forced to close the Aavin Retail Outlet from April 2021 for a period of five months, due to the second wave of COVID-19 pandemic. In spite of the same, the petitioner paid lease amount regularly every month even for the period during which he was not able to run the business due to COVID-19 lock-down. The petitioner has made an application to the 1st respondent on 30.12.2021 to renew the license for further period of one year from 18.02.2022. The petitioner again sent another representation dated 06.01.2022, reiterating the earlier request to the 1st respondent. The 1st respondent did not pass any order. Hence, the petitioner has come out with the present Writ Petition.

3. The learned Senior Counsel appearing for the petitioner submitted that as per condition No.21 of the license dated 18.02.2021 granted by the 1st respondent, the license is renewable every year and referred to condition No.21 and contended that if petitioner fails to renew the license, the license issued to him shall be cancelled and security deposit of Rs.1,000/- paid to the 1st respondent shall be forfeited by the 1st respondent and prayed for allowing the Writ Petition.

4. On instructions, Ms.S.Anitha, learned Special Government Pleader (Co-op.) appearing for the 1st respondent



submitted that the petitioner was granted license only to sell Aavin Milk products for a period of one year, but the petitioner is selling Tea, Coffee and Snacks. The petitioner's representations will be considered within the time stipulated by this Court and till such time, the petitioner will be permitted to run Aavin Milk Parlour.

5. Heard the learned Senior Counsel appearing for the petitioner as well as the learned Special Government Pleader (Co-op.) appearing for the 1st respondent and the learned Special Government Pleader appearing for the 2nd respondent and perused the entire materials on record.

6. From the above facts and condition No.21 of the license dated 18.02.2021, it is clear that the license issued to the petitioner is renewable every year. As per the condition No.21, if the petitioner fails to renew the license his security deposit would be forfeited. The petitioner by his application dated 30.12.2021 has requested the 1st respondent to renew the license. Considering the above materials and submissions of the learned Special Government Pleader (Co-op.) appearing for the 1st respondent that application of petitioner would be considered within the time frame fixed by this Court, the 1st respondent is directed to consider the applications of the petitioner dated 30.12.2021 and 06.01.2022 within a period of twelve weeks from the date of receipt of a copy of this order. Till the 1st respondent considers the applications and passes order, the 1st respondent is directed to permit the petitioner to carry on the business of Aavin Retail Outlet as per the license issued to him.

7. With the above directions, the Writ Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Villupuram District Co-Operative
Milk Producers' Union Ltd. (TND 495),
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Vazhudhareddy, Kandamanady S.O,
Villupuram - 605 401.

2. The Villupuram Municipality,
Rep. by its Commissioner,
No.734, PJN Road,
Villupuram.

+1 CC to Mr.C.Vigneswaran, Advocate sr 9924
+1 CC to The Government Pleader sr 10258.

W.P.No.2949 of 2022

MT(CO)
SP(16/03/2022)