

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WP No. 6039 of 2017
and WMP Nos.6469 & 12905 of 2017

M.Sasikumar

... Petitioner

vs.

1. The General Manager,
Aavin, Coimbatore District Co-op.
Milk Producer's Union Ltd.,
Pachapalayam, Kalampalayam Post,
Coimbatore 641 010.

2. The Assistant Engineer
(Tirupur South)
Highways Department,
College Road, Tirupur.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 05.12.2016 passed by the first respondent, quash the same and consequently direct the respondents to extend the permission already granted to him to run Aavin Milk Parlour at 15/2 km on the Avinashi - Tiuppur - Cochin - Pollachi, Minkarai Road, Near Thennampalayam bus stop, Tiruppur, by considering the petitioner petition dated 30.06.2016.

For Petitioner : Mr.N.Manokaran

For Respondents: Mr. V.Kamaraaj
for Mr.L.P.Shanmugasundaram, for R1

Mrs. V.Yamuna Devi
Special Government Pleader, for R2

O R D E R

The petitioner who is a differently abled person seeks a direction to the respondent namely the Coimbatore District Cooperative Milk Producer Union Ltd., to renew the license granted to him for running an Aavin Milk Outlet.

2. The Union has relied upon the objection taken by the Highways Department to the existence of a Milk vending unit at a particular location on the ground that it is hindrance to traffic. Admittedly the Writ Petition filed by the petitioner challenging the objection made by the Highways Department in WP No.24750 of 2016 has been dismissed by this Court on 02.02.2022. In view of the fact that the objection of the Highways Department has been sustained by this Court, there cannot be a positive direction as prayed for by the petitioner. The Writ Petition therefore fails and it is dismissed.

3. However, considering the fact that the petitioner is a differently abled person, the petitioner is permitted to make a representation to the first respondent seeking allotment of some other booth to enable him to vend milk products. The first respondent Union is directed to consider such representation sympathetically and allot a Milk Booth to the petitioner to enable him to make his living. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

jv

To

1. The General Manager,
Aavin, Coimbatore District Co-op.
Milk Producer's Union Ltd.,
Pachapalayam, Kalampalayam Post,
Coimbatore 641 010.

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(Tirupur South)
Highways Department,
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+1cc to Mr.N.Manokaran, Advocate SR.No.42634

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MG(CO)
CB(20/07/2022)