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W.P.No.27186 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.11.2022

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.27186 of 2022
and WMP No.26392 of 2022

V.Kumaravel

... Petitioner

Vs

1. The Villupuram District Cooperative
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 filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records in relation to Na.Ka.o.5806/Vi.Bi/2022 dated 30.09.2022 and quash the same as illegal and consequently direct the respondents to extend the license of the petitioner to run the Aavin Retail Outlet for a period of one year in accordance with the orders of this Court dated 16.02.2022 in W.P.No.2949 of 2022.



W.P.No.27186 of 2022

For Petitioner : Mr.Sricharan Rangarajan
for Mr.P.Manoj Kumar

For Respondents : Mr.I.John Arockiadas
Standing Counsel – R1
Mr.R.U.Dinesh Rajkumar
Additional Government Pleader – R2

ORDER

The petitioner is called absent. Read this order in conjunction with order dated 11.10.2022, extracted below:

Mr.I.John Arockiadas, learned Standing Counsel accepts notice for R1 and Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader accepts notice for R2. They seek some time to obtain instructions and file counters.

2. The case of the petitioner is that he has an agreement with R2, being Villupuram Municipality for lease of the property at Poonthottamkulam, Villupuram. Simultaneous therewith, he has been granted licence to run a Aavin Milk outlet in the premises by R1. The licence is for a period of one year between 18.02.2021 to 17.02.2022. According to him, the licence is to be extended in pari materia with the licence period for the premises and this would be a proper interpretation of the two agreements entered into separately with R1 and R2.



W.P.No.27186 of 2022

3. *The petitioner had approached this Court earlier in W.P.No.2949 of 2022 seeking a mandamus directing R1 to consider his representations dated 30.12.2021 and 06.01.2022 and extend the lease from 2022 to 2023 on the aforesaid understanding.*

4. *That Writ Petition was disposed by order dated 16.02.2022 directing R1 to dispose representations/applications. A perusal of the impugned order does not reveal any application of mind to the request made under the aforesaid representations and the licence has been simply terminated on the ground that Aavin proposes to run the unit in question itself.*

5. *Since R1 would concur on the position that the outlet in question is functioning as on date, the petitioner shall not be disturbed from the premises till the next date of hearing.*

6. *It is made clear that pending this Writ Petition, R1 is at liberty to consider the representations of the petitioner in proper perspective in light of the observations made in W.P.No.2949 of 2022, and pass orders afresh, after hearing the petitioner, prior to the next date of hearing.*

7. *List on 15.11.2022. Counter/written instructions by then with an advance copy served upon the petitioner.*



W.P.No.27186 of 2022

WEB COPY

Dr.ANITA SUMANTH,J.

2. Mr.Arokiadas, learned Standing counsel for R1 circulates a copy of proceedings dated 14.11.2022 stating that the direction in order dated 11.10.2022 has been complied with and the representation of the petitioner had been disposed.

3. Recording the above, this Writ Petition is closed. Liberty is granted to the petitioner to challenge order dated 14.11.2022, if he is so aggrieved. No costs. Connected Miscellaneous Petition is closed.

15.11.2022

Index : Yes / No
Speaking Order
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To

1. The Villupuram District Cooperative
Milk Producers' Union Ltd. (TND 495)
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