



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.1771 of 2022

C.Pandiyarajan

... Petitioner

/Vs./

1.The Commissioner,
Madurai Corporation, Madurai.

2.The General Manager,
Madurai District Co-operative Milk Producer's Union Ltd.,
Sathamangalam, Madurai - 20.

3.The Deputy General Manager,
Madurai District Co-operative Milk Producer's Union Ltd.,
Sathamangalam, Madurai - 20.

4.The Divisional Engineer,
Highways Department (Construction & Maintenance),
Alagar Koil Road, Madurai.

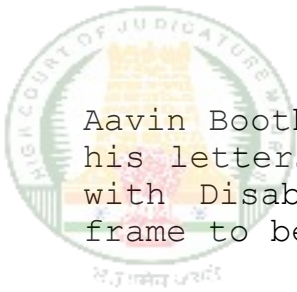
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 1st and 4th respondents to dispose the 2nd respondent's recommendation letter for petitioner dated 23.06.2021 in the light of Section 37 of Person with Disability, Act 2016 by fixing a time frame and further direct the 2nd respondents to allot the dealership sanction to the petitioner after the receipt of sanction from the 1st and 4th respondents within a time frame.

For Petitioner	:	Mr.R.Ramasamy
For R1	:	Mr.S.Vinayak
For R2 & R3	:	Mr.M.Senthil Ayyanar Government Advocate
For R4	:	Ms.S.Jeyapriya Government Advocate

ORDER

This writ petition has been filed for a Mandamus, seeking for a direction to the first and fourth respondents to consider the petitioner's application dated 11.05.2021 seeking for allotment of



Aavin Booth based on the recommendation of the second respondent, in his letters dated 23.06.2021, in the light of Section 37 of Persons with Disability Act, 2016 and pass final orders within the time frame to be fixed by this Court.

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2.The petitioner claims that he is a physically challenged person. He has sought for allotment of Aavin Booth under the physically challenged quota by submitting an application on 11.05.2021. According to him, his case has also been recommended by the second respondent to the first respondent as well as to the fourth respondent on 23.06.2021, through their recommendation letters. Since the petitioner's application has not been considered till date, he has filed this writ petition.

3.Heard Mr.R.Ramasamy, learned Counsel for the writ petitioner, Mr.S.Vinayak, learned Counsel for the first respondent and Mr.M.Senthil Ayyanar and Ms.S.Jeyapriya, learned Government Advocate, appearing for the 2nd and 3rd respondents and fourth respondent respectively.

4.The petitioner has filed the following documents in respect of this writ petition:

- (a) Application dated 11.05.2021 seeking for allotment of an Aavin Sales Centre;
- (b) Recommendation Letter dated 23.06.2021 issued by the second respondent to the first respondent;
- (c) Recommendation letter dated 23.06.2021 issued by the second respondent to the fourth respondent;
- (d) Petitioner's Disability Identity Card;
- (e) Petitioner's Unique Disability ID.

5.Admittedly, the application dated 11.05.2021 submitted by the petitioner seeking for allotment of Aavin Sales Centre in his name at the specified location has not been considered till date.

6.No prejudice would be caused to the respondents, if the petitioner's application is considered on merits and in accordance with law, based on the recommendations Letters dated 23.06.2021 issued by the second respondent to first and fourth respondents respectively.

7.Accordingly, this Court directs the first and fourth respondents to consider the petitioner's application dated 11.05.2021 seeking for allotment of an Aavin Sales Centre at the specified location, based on the recommendation Letters dated 23.06.2021 issued by the second respondent to the first and fourth respondents respectively and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of twelve (12) weeks from the date of



receipt of a copy of this order.

8. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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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 General Manager,
Madurai District Co-operative Milk Producer's Union Ltd.,
Sathamangalam, Madurai - 20.

2. The Deputy General Manager,
Madurai District Co-operative Milk Producer's Union Ltd.,
Sathamangalam, Madurai - 20.

3. The Divisional Engineer,
Highways Department (Construction & Maintenance),
Alagar Koil Road, Madurai.

4. The Commissioner, Madurai Corporation, Madurai.

+1 CC to M/s. SPL GP (SR-7507[F] dated 21/02/2022 & SR-7734[F] dated 22/02/2022)

+1 CC to M/s. S. VINAYAK, Advocate (SR-7899[F] dated 22/02/2022)

W.P. [MD] No. 1771 of 2022

18.02.2022

AP (26.02.2022) 3P 7C