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W.P.(MD)NO.19490 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19490 of 2020

Valarmathi

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.
2. The office of Assistant Divisional Engineer,
Highways Department,
CDR & CO Constructions,
Thirunagar, Madurai.
3. The Superintendent of Police,
Madurai District,
Madurai.
4. The Inspector of Police,
Thirumangalam,
Madurai District.
5. The Sub Inspector of Police,
Kallikudi Police station,
Kallikudi.
6. The Managing Director,
Aavin Milk Parlour,
Madurai.

7. S. Murukanantham

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct respondents 1 and 2 to remove the shop shed fixed by the 7th respondent in the name of Aavin milk parlour, at K. Vellakulam, Kallikudi junction, Kallikudi Taluk, Madurai District beside service road going parallel to four way track Madurai to Thirumangalam highway service road going parallel to four way track Madurai to Thirumangalam highway NH 7 without obtaining proper permission from the 6th respondent and thereby creating public nuisance and preventing the peaceful enjoyment of the petitioner violating his fundamental right.

For Petitioner : M/s.G. Cenil

For R-1to R-5 : Mr. M.Sarangan,
Additional Government Pleader.

For R-6 : Mr.K. Prabhu

* * *

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the official respondents and the learned Standing counsel appearing for Aavin.



2. Though notice was sent to the seventh respondent, he refused to receive the same.

3. The grievance of the petitioner is that right in front of her house, an Aavin retail outlet had been put up. I had a look at the photographs enclosed in the typed set of papers. The grievance projected by the petitioner appears to be justified.

4. The learned Standing counsel appearing for Aavin states that the seventh respondent has ceased to be their licensee. The seventh respondent is no longer taking products from the sixth respondent. Since it was projected that the site was allowed for Aavin, the shop had been obviously permitted to run on the said site. Since they made it clear that the seventh respondent is no longer their licensee, the second respondent is directed to remove the petition mentioned shop after following due process of law.

5. This writ petition stands allowed. No costs.

21.06.2022

Index : Yes / No
Internet : Yes/ No

PMU



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G.R.SWAMINATHAN,J.

PMU

To:

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