



W.P.(MD).No.10989 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.10989 of 2015

Shanmugam

... Petitioner

Vs.

1.The Commissioner,
Aranthangi Municipality,
Aranthangi,
Pudukkottai District.

2.Prabhu

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to issue necessary permission to the petitioner to run the Aavin Milk vending unit S.F.No.239.2 of Rathinakottai Village, Pudukkottai District.

For Petitioner : Mr.P.Ganapathi Subramanian

For R1 : Mr.P.Mahendran

For R2 : Mr.S.Vellaichamy
for Mr.V.Venkataseshan



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ORDER

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The present writ petition has been filed seeking a writ of Mandamus, directing the Municipality to issue necessary permission to the writ petitioner to run the Aavin Milk vending unit in S.F.No.239.2 in Rathinakottai Village, Pudukottai District.

2. According to the writ petitioner, he has obtained licence from the Aavin on 24.11.2014 for running Aavin Milk vending unit. Accordingly, he has put up the said vending unit in the above said survey number. Due to political rivalry, the first respondent has allotted the same spot to the second respondent, thereby, the first and second respondents are causing disturbance to the writ petitioner. Hence, writ of Mandamus has been filed as against the first respondent, seeking necessary permission to run the Aavin Milk vending unit.

3. The learned counsel for the first respondent has filed a counter and contended that the above said survey number is a Kulam Porambokke. As per paragraph no.4 of the counter, the Aavin Kiosk is located in a Tank Bund, which belongs to the revenue department and



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the Municipality has no right over the said land. The counter filed by the first respondent is recorded. The petitioner is running an Aavin Kiosk in the above said survey number. In case, if the revenue officials decide to remove the encroachment, they are at liberty to do so after following due process of law. Since the Municipality has taken a definite stand that the disputed land does not belong to them, the question of issuing a Mandamus as against the Municipality to issue necessary permission does not arise.

4. Recording the same, this Writ Petition is closed. No costs.

14.07.2022

Index : Yes / No
Internet : Yes / No

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To

The Commissioner,
Aranthangi Municipality,
Aranthangi,
Pudukkottai District.



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R.VIJAYAKUMAR ,J.

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