



WEB COPY

WP No.5606 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-04-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.5606 of 2023

G.V.Selvaganapathi

... Petitioner

Vs.

1.The Director of Municipal Administration,
Chepauk,
Chennai-600 005.

2.The District Collector,
Cuddalore District,
Cuddalore.

3.The Municipal Commissioner,
Virudhachalam Municipality,
Virudhachalam,
Cuddalore District-606 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider and dispose of petitioner's representation dated 17.12.2022 in the light of order dated 22.06.2022 of this Court in WP No.5683 of 2022 and permit the



petitioner to run Aavin Booth from where it was functioning (i.e.,) Selvarasu Bus Stand, Virudhachalam.

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For Petitioner : Mr.K.Raju

For Respondents : Mr.K.Karthick Jeganath,
Government Advocate.

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider and dispose of petitioner's representation dated 17.12.2022 in the light of order dated 22.06.2022 of this Court in WP No.5683 of 2022 and permit the petitioner to run Aavin Booth from where it was functioning (i.e.,) Selvarasu Bus Stand, Virudhachalam.

2. The grievance of the writ petitioner is that the application submitted by him for grant of permission to run Aavin Milk Booth has not been considered. Therefore, the petitioner is constrained to move the present writ petition.

3. The learned Government Advocate appearing on behalf of



the respondents made a submission that the petitioner had earlier filed WP No.5683 of 2022, seeking the similar relief to direct the respondent to allow the petitioner to continue the shop situated at Selvarasu Bus Stand, Virudhachalam, Cuddalore District in pursuant to the representation submitted by the petitioner on 23.01.2022.

4. In pursuance of the representation submitted by the writ petitioner to the respondents in that writ petition on 23.01.2022, this Court passed final orders on 22.06.2022, directing the Municipal Commissioner to consider and pass appropriate orders on the representation submitted by the petitioner on 23.01.2022.

5. Pursuant to the directions issued by this Court, the Commissioner, Virudhachalam Municipality passed an order in proceedings dated 22.01.2022, rejecting the claim of the petitioner. The said order states that the permission/license is to be granted by conducting public auction by following the procedures as contemplated. Thus the claim of the petitioner to grant permission without conducting an auction cannot be considered. The petitioner has not challenged the said order. Contrarily, he filed the



present writ petition with the relief to direct the respondents to consider his representation once again.

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6. The petitioner has to run the Aavin Milk Parlour only by getting Trade License/Permission from the Competent Authorities. Permissions are to be granted by conducting public auction and by affording an opportunity to all the eligible persons to participate in the process.

7. The Authorities cannot take any unilateral decision for granting permission to run any Milk Booth or Parlour. Therefore, the decision taken by the Authorities is in consonance with the procedures contemplated and mere submission of an application would not confer any right on the petitioner to seek permission to run the Aavin Milk Parlour or to run any other business. In the event of running any such illegal shop or Parlour, the Authorities Competent are bound to initiate appropriate actions. Thus the relief as such sought for in the present writ petition cannot be considered.



8. With the abovesaid observations, the writ petition stands dismissed. However, there shall be no order as to costs.

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Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

Svn

To

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S.M.SUBRAMANIAM, J.

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