



W.P. No.9706 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2024

CORAM:

THE HONOURABLE **Mrs. JUSTICE V. BHAVANI SUBBAROYAN**

W.P. No.9706 of 2024

K.Sathiyamoorthi

.. Petitioner

Versus

1. The District Collector,
Office of the District Collector,
Vellore District,
Vellore.
2. The Meyor,
Corporation of Vellore,
Vellore,
Vellore District.
3. The Commissioner,
Office of Vellore Corporation,
Vellore,
Vellore District.
4. The General Manager,
Vellore District Co-operative milk Producers Association, (Aavin),
No.142, Arcot Road,
Sathuvachari,
Vellore – 9.
5. The Milk Sales Officer, (Aavin),
No.142, Arcot Road,
Sathuvachari,
Vellore.

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India, praying

to issue a Writ of Mandamus, directing the third respondent to allot a place to an extent 10 x 15 feet, in a place where Chennai buses stops, in Vellore New bus stand, Vellore, Vellore District, in the name of the fourth respondent.

For Petitioner : Mr.A.Gouthaman

For Respondents : Mr.A.M.Ayyadurai
Government Advocate for R1

Mr.P.S.Prabu for R2 and R3

Mr.U.Baranicharan
Additional Govt. Pleader for R4 & R5

ORDER

This writ petition has been filed for the issuance of a writ of mandamus directing the third respondent to allot a place to an extent of 10 x 15 feet, in a place in Vellore New bus stand, Vellore, in the name of the fourth respondent.

2. The case of the petitioner is that he had made an application on 03.07.2023 requesting the General Manager Aavin, to start an Aavin Parlour at Vellore New Bus Stand. Based on the said request, the first and fourth respondents through their letter dated 11.07.2023 written a letter to the third respondent by intimating about the petitioner's request and requested him to



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allot place to the extent of 10 x 15 feet, in Vellore New Bus stand. However, the third respondent has not allotted a place to set up the Aavin Parlour. Only after the third respondent allot the place, the Management of Aavin will give permission to set up Aavin parlour. Hence, the petitioner has once again gave another representation dated 12.10.2023 to the respondents and so far no steps have been taken. Hence, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that though the respondents have received the representations of the petitioner, they have not taken any steps to consider the same. The issue is kept pending nearly around five months without any progress. In fact the petitioner had also obtained Identity Card as “Street Vendor” from Vellore Corporation and in which it is specifically mentioned that the place of business in Vellore Bus stand. The learned counsel for the petitioner further submitted that the petitioner is also ready to pay vending fees as fixed stationery vendor as per the Tamil Nadu Street Vendors Schemes and Rules.

4. The learned Additional Government Pleader appearing for the fourth respondent submits that the place where the petitioner is seeking to establish an Aavin Parlor is under the control of the third respondent. The allotment of the



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Aavin Parlor will be allotted only after the permission of the third respondent.

The petitioner has submitted a representation on 05.07.2023 to set up an Aavin parlor and various other persons have also submitted their representations for the allotment of the Aavin Parlor in Vellore Bus Stand. On 11.07.2023, the fourth respondent sent a communication in respect of the representations received by him to the third respondent for allotment of Aavin parlor. The third respondent vide letter in Na.Ka.No.A1/2125/2023/MA4 dated 19.07.2023 fixed the rent and advance for Shop.No.73. The learned Additional Government Pleader further submits that there are some procedure to be followed to formulate policy for the allotment of Aavin Parlor after receiving the communication from the third respondent and the decision making process of the board is still in progress as on date. After the allotment of the parlor, the rent and advance must be paid by the selected candidate. No decision has been made regarding the allotment of Aavin parlor by the Board due to the rent fixed by the third respondent. As per the letter of the Directorate for Welfare of the Differently abled, in Ne.Mu.Ka.No.3397/Employed/2022 dated 15.01.2024, priority will be given to self-help groups, destituted widow, physically challenged person for the allotment of Aavin parlour. Based on the said letter, two candidates namely Susheela, widow of an ex-servicemen and Sowmiya, physically challenged person, are considered as priority for the allotment of



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Aavin parlor. Since the decision has not been made by the Board regarding the allotment, the petitioner cannot claim priority by the Street Vendor Identity Card. The main contention of the learned Additional Government Pleader is that even if the petitioner is ready and willing to pay the fixed rent, he will be considered for allotment only after the priority candidates as mentioned earlier.

5. On going through the averments in the writ petition, it is seen that the petitioner seeks for allotment of Aavin Parlor in Vellore Bus Stand. But he has not taken into consideration the fact that for allotting Aavin Parlor, there are some procedures to be followed by the Corporation as well as the Board. The concerned Municipality and Local Bodies generates income by fixing rent of newly constructed buildings on considering the cost of new building. After the allotment of Aavin parlor, the rent fixed by the Corporation has to be considered by the Management of Aavin. All these aspects cannot be gone into by this Court and whatever might be the rent fixed, it has to be considered by the person who is opting the same and not by this Court. When the fourth respondent is aggrieved of taking a decision to fix rent, the petitioner's claim would be considered by the Board and not by this Court. It is made clear that the allotment of general category will be considered only after completing the priority category.



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6. In the result, the writ petition is dismissed. No costs.

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Index:Yes / No

Speaking order / Non speaking order

Neutral Citation Case: Yes / No

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V. BHAVANI SUBBAROYAN, J.,

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