



WEB COPY



W.P. No. 14633 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 14633 of 2020

and

W.M.P. Nos. 18157, 18158 and 22954 of 2020

1. S.Priya

2. M.Selvam

... Petitioners

-VS-

1. The Tamil Nadu Co-operative Milk Producers Federation Limited (Aavin),
Represented by its Managing Director,
Aavin Illam,
No. 3 A, Pasumpon Muthuramalinganar Road,
Nandanam,
Chennai - 600 035.

2. The General Manager,
Namakkal District Co-operative Milk Producer's Union Limited,
Namakkal.

3. The Executive Officer,
Pillanallur Town Panchayat,
Pillanallur,
Namakkal District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned order issued by the Second Respondent in proceedings 'nil' dated 14.09.2020 and quash the same and consequently direct



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the Respondents to allow the First Petitioner to continue to run the Aavin Milk Parlour at Pillanallur Banyan Tree Bus Stand, Thiruchengode Main Road, Pillanallur, Namakkal District without any hindrance.

For Petitioners : Mr. R.Prem Narayan

For Respondents : Mr. L.P.Shanmugasundaram
(for R1 & R2)

Mr. V.Jayaprakash Narayanan (for R3)

ORDER

Heard Mr. R.Prem Narayan, Learned Counsel for the Petitioners, Mr. L.P.Shanmugasundaram, Learned Counsel for the First and Second Respondents and Mr. V.Jayaprakash Narayanan, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The First Petitioner had been granted license for selling milk products manufactured by Aavin in Pillanallur Banyan Tree Bus Stand, Thiruchengode Main Road, Pillanallur by Order No. 12056/Vir/M-4/09 dated 09.08.2010. It is accepted by the Second Respondent that the said license was in force till 31.03.2020 as reflected from Proceedings in Na. Ka. No. 0134/Virpanai/M.4/19



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dated 17.12.2018 issued by the Second Respondent. However, no material has been produced to show that the said license had been extended thereafter.

While the matter stood as narrated supra, in furtherance to the announcement of new policy made by the then Chief Minister at the floor of the Tamil Nadu Legislative Assembly under Rule 110 of the Tamil Nadu Legislative Assembly Rules, it was intended by the Second Respondent to modernize Aavin Parlour at the existing location and the Second Petitioner was called upon by notice dated 14.09.2020 to vacate from the said premises and shift to some other place, which is challenged in this Writ Petition.

3. The Petitioners have not been able to show any material that they were entitled to continue in the said premises beyond 31.03.2020. Admittedly, the sale of Aavin products in the said premises was based on the license granted by the Second Respondent, which is a matter falling within the realm of discretion of the Second Respondent as to the manner in which the sale of Aavin products in the said premises would have to be conducted. When the period of license granted by the Second Respondent to the First Petitioner has lapsed, the Petitioners cannot claim any indefeasible right to occupy the said portion thereafter. In such circumstances, it is not possible to interfere with the impugned order. In the event of failure of the Petitioners to vacate from the said



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premises, the Respondents shall follow due process of law for their eviction from that premises. It is needless to add here that if the Petitioners are not otherwise disqualified, they shall be entitled to participate along with others in the fresh auction conducted following the prescribed procedure by the Respondents.

In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petitions are closed.
No costs.

12.02.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.05.2024.

vjt

To

1. The Managing Director,
Tamil Nadu Co-operative Milk Producers Federation Limited (Aavin),
Aavin Illam,
No. 3 A, Pasumpon Muthuramalinganar Road,
Nandanam,
Chennai - 600 035.



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2. The General Manager,
Namakkal District Co-operative Milk Producer's Union Limited,
Namakkal.
3. The Executive Officer,
Pillanallur Town Panchayat,
Pillanallur,
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P.D. AUDIKESAVALU, J.

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