



WEB COPY



W.P. No. 19803 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM

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

**W.P. No. 19803 of 2018
and
W.M.P. No. 23241 of 2018**

K.Sasikumari

... Petitioner

-VS-

The Nilgiris District Co-operative Milk Producers Union Limited,
Represented by its General Manager,
No. J8, Udhagamandalam – 643 001.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the proceedings of the Respondent's Order No. Na. Ka. No. 01/vir/mugavar/2017 dated 11.07.2018 and quash the same, consequently direct the Respondent to allow the Petitioner to run the Aavin Milk Shop which is situated at Mullur Village, Kunjappanai Panchayat, Kotagiri Taluk, Nilgiris District.

For Petitioner : Mr. P.Saravanan

For Respondent : Mr. G.Munirathnam



W.P. No. 19803 of 2018

WEB COPY

ORDER

Heard Mr. P.Saravanan, Learned Counsel for the Petitioner and Mr. G.Munirathnam, Learned Counsel for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner has been granted renewal of license for a period of two years from 01.02.2017 to carry on business of milk vending at Aavin Milk Shop in Mullur Village, Kunjappanai Panchayat, Kotagiri Taluk, Nilgiris District by Proceedings in Na. Ka. No. 8121/Vir/Mugavar/2017 dated 13.02.2017 issued by the Respondent. As the Petitioner had committed violation of the terms and conditions of license by selling other products, the Respondent by Proceedings in Na. Ka. No. 01/Vir/Mugavar/2017 dated 11.07.2018 had cancelled the same, which has been impeached in this Writ Petition.

3. This Court by way of interim order dated 02.08.2018 had permitted the Petitioner to remain in the shop without any interference from the Respondent as she is a physically challenged person, which continues to be in force till date.



W.P. No. 19803 of 2018

Learned Counsel for the Respondent has pointed out that the period of license had lapsed on 31.01.2019 and there had been no renewal thereafter.

4. Having due regard to the fact that the period of the license of the Petitioner has already lapsed, it is not necessary for this Court to delve into the validity of the impugned order at this distance of time. As the Petitioner cannot continue to carry on business in the said premises, the Respondent is not precluded from evicting her from there following the due process of law.

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

12.02.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 24.05.2024.

vjt

To

The Nilgiris District Co-operative Milk Producers Union Limited,
Represented by its General Manager,
No. J8, Udthagamandalam – 643 001.



WEB COPY



W.P. No. 19803 of 2018

P.D. AUDIKESAVALU, J.

vjt

W.P. No. 19803 of 2018

12.02.2024