



WEB COPY

W.P.No.20786 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.20786 of 2024
and WMP.No.22734 of 2024

A.Kaja Moideen

... Petitioner

vs

The Nilgiris
District Cooperative “Milk Producers” Union Ltd
Coonoor Road, Udhagamandalam,
The Nilgiris – 643 001.

2.The Nilgiris Cooperative Marketing Society,
Udhagamandalam, The Nilgiris – 643 001.
(impleaded vide order dated 20.07.2024)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the respondent from in any way interfering with the petitioner running the Aavin Parlour at Reagent House, Udhagamandalam.

For Petitioner : M/s.Reshmi Chetty

For Respondents : Mr.I.John Associates,
Standing Counsel for Aavin – R1.
Mr.N.Naveen Kumar, GA for R2.

ORDER



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The case of the petitioner is that he approached the respondent/Society to set up a Aavin Parlour at his own cost and made a representation on 08.01.2016. The respondent by a reply dated 20.04.2016 seeking the petitioner to obtain no objection certificate from the appropriate authority. After obtaining necessary certificates from the authorities the same was submitted before the respondent and after verifying the same the respondent by a letter dated 29.06.2016 asking me to deposit an amount of Rs.5,000/- towards sale license and security deposit of Rs.10,000/-. After complying with all the requirements, the respondent permitted to start Aavin Parlour from 01.07.2016 with a conditions to sell atleast 100liters of milk per day and milk products worth Rs.20,000/-p.m. The petitioner is running the business for more than 8 years and the license being renewed periodically and lastly the respondent extended the license from 17.08.2023 till 16.08.2025. The petitioner is regularly paying the rent without any arrears to the society and E.B charges was also duly paid. Now the second respondent society has put up a fence with tin sheets in front of the shop with an intention to cause hindrance to the ingress and egress to the customers to reach the parlour. Hence, the petitioner filed the present petition.



2. The learned standing counsel appearing for the respondent Society submits that the necessary instructions have been given to the respondents to follow the procedures in accordance with law.

3. Heard the learned counsel for the petitioner and the learned standing counsel for the first respondent and the learned Government Advocate for the second respondent and perused the materials available on record.

4. On perusal of records, it is seen that the petitioner has obtained valid Franchise permission from the respondents on 29.06.2016 and the same was periodically renewed and valid till 16.08.2025. The second respondent without obtaining any permission from the first respondent, put up fence and tin sheet in front of the petitioner's Aavin parlour causing inconvenience to the petitioner and to the general public/customers. This Court directs the second respondent to remove the fence and tin sheets put up in front of the petitioners shop on or before 07.08.2024 and the same should be informed to the authorities concerned immediately and to the first respondent. The act of the second respondent is against law and it is only a livelihood of a person who has got valid license to run the Aavin parlour. It



is left open to the respondents to consider or to evict the petitioner after the expiry period of the license, in the manner known to law.

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5. With the above direction, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

02.08.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

The Nilgiris

District Cooperative “Milk Producers” Union Ltd

Coonoor Road, Udhagamandalam,

The Nilgiris – 643 001.

2.The Nilgiris Cooperative Marketing Society,

Udhagamandalam, The Nilgiris – 643 001.



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V.BHAVANI SUBBAROYAN, J.

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