



W.P(MD)No.4166 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.4166 of 2021

and

W.M.P(MD)Nos.3354, 3355 and 3356 of 2021

Poongodi

: Petitioner

Vs.

1.The Managing Director,
The Sivagangai District,
Milk Producers Cooperative Union Limited,
Karaikudi, Sivagangai District 630 003.

2.The Divisional Engineer,
Highways Department,
Sivagangai 630 501.

3.The Devasthanam Manager,
Sivagangai Samasthanam Devasthanam,
Palace, Sivagangai – 630 501.
Sivagangai District.

4.The Joint Commissioner (HR & CE),
The Hindu Religious and Charitable Endowment Department,
Sivagangai – 630 501.
Sivagangai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of certiorarified Mandamus, to call for the records pertaining to the order passed by the third respondent proceeding in



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Na.ka.No.D5/2082/2020, dated 21.12.2021 and the subsequent order passed by the first respondent proceeding in its Na.Ka.No.274/V.P-1/2020, dated 03.02.2021 and quash both inter connected orders as illegal and the petitioner may be allowed to work as Milk vendor on commission basis by continuing the Milk parlour erected in the Temple premises within the time as fixed by this Court.

For Petitioner : Mr.K.K.Samy

For Respondents : Mr.A.K.Manikkam,
Special Government Pleader, for R1, R2 and R4.

: Mr.S.Madhavan, for R3.

ORDER

The Writ Petition is directed against the order passed by the third respondent, dated 21.12.2021 and the subsequent order passed by the first respondent, dated 03.02.2021 and for directing the respondents to permit the petitioner to run the Milk vending booth.

2. It is not in dispute that the third respondent has issued proceedings, dated 24.11.2020 temporarily permitting the petitioner to run the Milk Booth, but subject to the conditions and ratification of the Commissioner of HR & CE and that on the basis of the order passed by the third respondent, the other authorities have permitted the petitioner to run the Milk booth.



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3. The learned counsel for the petitioner would submit that the third respondent without issuing any notice and without giving opportunity of being heard, has passed an order, dated 21.12.2021 cancelling the permission already granted on 24.11.2020 on the ground that some of the devotees Sakkottai Nattars have raised objections and that the first respondent on the basis of the order passed by the third respondent has also passed consequent order dated 03.02.2021, cancelling the licence given to the petitioner.

4. It is not the case of the third respondent that before passing the impugned order, dated 21.12.2021, the petitioner was given opportunity to put forth his stand with regard to the objections raised by the devotees.

5. Considering the facts and circumstances of the case and taking note of the submissions made by the learned counsel on either side, this Court has no hesitation to hold that the impugned order came to be passed in total violation of principles of natural justice and as such the same is liable to be set aside. Accordingly, the impugned orders, dated 21.12.2021 and 03.02.2021 are set aside. The third respondent is directed to issue notice to the petitioner and to hear the petitioner and then to pass orders on merits and



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in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

6. With the above direction, this Writ Petition is allowed.

Consequently, connected Miscellaneous Petitions are closed. No costs.

18.06.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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To

- 1.The Managing Director,
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Milk Producers Cooperative Union Limited,
Karaikudi, Sivagangai District 630 003.
- 2.The Divisional Engineer,
Highways Department,
Sivagangai 630 501.
- 3.The Devasthanam Manager,
Sivagangai Samasthanam Devasthanam,
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K.MURALI SHANKAR, J

DAS

Order made in
W.P(MD)No.4166 of 2021
and
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Dated : 18.06.2024