



W.P(MD)No.18365 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 28.06.2024

Delivered on : 08.07.2024

CORAM :

**THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

W.P(MD)No.18365 of 2021  
and  
W.M.P(MD)No.15173 of 2021

C.Palaniyappan

: Petitioner

Vs.

- 1.The District Collector,  
Pudukottai District,  
Pudukottai.
- 2.The Block Development Officer,  
Arimalam Panchayat Union,  
Arimalam, Pudukottai District.
- 3.The Village Administrative Officer,  
Thekkatoor Sub Division,  
Thirumayam Taluk,  
Pudukottai District.
- 4.The President,  
Thekkatoor Sub Division,  
Thirumayam Taluk,  
Pudukottai District.

: Respondents



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**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 impugned notice in Na.Ka.No.2421/2021/Thi 4, dated 27.09.2021 passed by the second respondent and quash the same as illegal and consequently, direct the respondents 1 and 2 to permit the petitioner from running the Aavin Milk Booth No.1539 in Survey No.370, situated to the north of Lambalakudi Road, near Lenavilakku Bus Stop, Thirumayam Taluk, Pudukkottai District.

For Petitioner : Mrs.P.Vimala Devi

For Respondents : Mrs.K.Christy Theboral,  
Additional Government Pleader for R1 to R3.

: Mr.S.Sankar, for R4.

### **ORDER**

This Writ Petition is directed against the notice, dated 27.09.2021 issued by the second respondent and for direction to the respondents 1 and 2 to permit the petitioner from running the Aavin Milk Booth at Booth No.1539 in Survey No.370, situated on the north of Lambalakudi Road, near Lenavilakku Bus Stop, Thirumayam Taluk, Pudukkottai District.



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2. It is not in dispute that the petitioner was issued license to run Aavin Milk Booth; that the petitioner was allotted a place near Lenavilakku Bus Stop, Thirumayam Taluk by the second respondent vide his proceedings, dated 04.02.2019; that the petitioner was running Milk Booth and Petty Shop and that the Revenue Authorities have given certificate for giving electricity connection to the petitioner's depot and after obtaining electricity connection, the petitioner has been running the Milk Booth and the petty shop.

3. The petitioner's case is that the fourth respondent Panchayat has installed CCTV Camera in front of the petitioner's shop due to roaming of thieves in the locality for which, the petitioner has not raised objections; that the fourth respondent on 28.08.2021 accumulated hollow blocks in front of the petitioner's shop and when the same was questioned, they have informed him that they are going to construct a security room for the CCTV cameras, but the same was stopped by the petitioner; that though there was an empty site behind the petitioner's shop as well as behind the bus stop, they have voluntarily tried to construct the said room in front of the petitioner's shop in order to make loss to his business with the support of the fourth respondent and that in the meanwhile, the second respondent has issued impugned notice, dated 27.09.2021; that since the petitioner objected to the installation



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of CCTV camera and refused to cooperate with the Panchayat Administration, they have decided to revoke the license given to the petitioner and directed him to vacate the premises within 15 days from the date of receipt of the said notice and that therefore, the petitioner with no other option has filed the present writ petition.

4. The fourth respondent has filed a counter affidavit stating that the petitioner has not cooperated for setting up CCTV camera and to set up a police booth in that place; that the above place is a junction and it becomes urgent and necessary in the public welfare to set up a CCTV camera and a Police booth; that since the petitioner has not cooperated with the Panchayat Administration and violated the conditions imposed, the Panchayat has passed the resolution, dated 16.07.2021 to cancel the license issued to the petitioner and to remove his shop and put up Police booth and CCTV camera.

5. It is admitted by all the parties that CCTV cameras have already been installed and a security booth has already been constructed.

6. When the matter was taken up for earlier, it was represented by the learned counsel for the respondents that the petitioner is not having any license or permission to run Aavin Milk Booth now.



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7. In view of the above submission of the learned counsel for the respondents, the petitioner has produced the Aavin License Extension agreement, dated 07.06.2024 and wherein, the petitioner and the General Manager of Pudukottai District Co-operative Milk Producers Union Limited have entered into an agreement permitting the petitioner to run a Milk Booth for the period from 01.04.2024 to 31.03.2025 and he has also produced the tax receipt issued by the fourth respondent. Since CCTV camera has already been installed and the security room has already been constructed, as rightly contended by the learned counsel for the petitioner, the respondent authorities will not have any objection for the petitioner to run the Milk Booth and the Petty shop.

8. It is not the specific case of the respondents that the petitioner has violated any other conditions imposed by them. Considering the above, this Court is of the view that the impugned notice is liable to be set aside and the respondents are to be directed to permit the petitioner to continue to run the Milk Booth and the Petty shop.



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9. In the result, the Writ Petition is allowed and the impugned notice, dated 27.09.2021 in Na.Ka.No.2421/2021/Thi 4, is set aside. The respondents are directed to permit the petitioner to continue to run the Milk Booth and Petty Shop subject to the conditions imposed by the authorities. If there is any violation of the conditions, it is open to the respondents to take appropriate action in accordance with law. Consequently, connected Miscellaneous Petition is closed. No costs.

**08.07.2024**

NCC :Yes/No  
Index :Yes/No  
Internet :Yes/ No  
das

**To**

- 1.The District Collector,  
Pudukottai District, Pudukottai.
- 2.The Block Development Officer,  
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**K.MURALI SHANKAR, J**

DAS

Pre-delivery order made in  
W.P(MD)No.18365 of 2021  
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Dated : 08.07.2024