



W.P (MD).No.26296 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.26296 of 2024

and

W.M.P(MD)Nos.22298 & 22299 of 2024

R.Selvi

...Petitioner

Vs.

1.The General Manager,
Virudhunagar District Co-operative
Milk Producers Union Ltd.,
Srivilliputhur, Virudhunagar.

2.The Assistant Divisional Engineer,
Highways,
Construction & Maintenance,
Aruppukkottai,
Virudhunagar District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records related to the impugned order vide Na.Ka.No.647/Agent Cancelation/2024 dated 22.10.2024 and quash the same as illegal and consequently direct the first respondent to restore the license given to the petitioner.



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For Petitioner : Mr.K.Muthu Ganesa Pandian

For R1 & R2 : Mr.D.Gandhi Raj
Special Government Pleader

ORDER

This writ petition has been filed challenging the order, dated 22.10.2024, thereby cancelled the license to run the Aavin Milk Centre.

2. Heard the learned counsel appearing for the petitioner and learned Special Government Pleader appearing for the respondents.

3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

4. The petitioner had applied for license to run a retail Aavin milk vending and sale of milk products in Survey No.333/1, Mallankinaru Town Panchayat, Virudhunagar District. The petitioner was issued with license to run a retail Aavin milk vending and sale of milk products. The petitioner's temporary shed is located where earlier old bus stop existed for several decades on the Highways. On the application, the first respondent directed the



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petitioner to obtain No Objection Certificate from the concerned authorities including the Highways Department, viz., the second respondent. the petitioner was issued with No Objection Certificate and obtained temporary license. Now, on the instructions of the second respondent, license issued in favour of the petitioner was cancelled on the ground that the temporary shed put up by the petitioner is affecting the transportation and general public and that apart, the petitioner is also selling other products other than the milk, in which, the petitioner was licensed to sell. The only ground raised by the petitioner is that the petitioner was not given an opportunity before cancellation of her license by order, dated 22.10.2024.

5. Mr.D.Gandhi Raj, learned Special Government Pleader appearing for the respondents, on instructions, would submit that only on the instructions of the second respondent, that too, the petitioner violated the license conditions, her temporary license was cancelled.

6. Further, it is also seen from the records that the petitioner is in arrears of rent and she violated the conditions as contemplated under the license, dated 12.03.2024. The conditions do not contain the prior notice before cancelling the license if the licensee violated the conditions imposed on



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the license. Therefore, the first respondent rightly cancelled the temporary license issued in favour of the petitioner, dated 12.03.2024.

7. In view of the above, this Court finds no infirmity or illegality in the order passed by the first respondent and this writ petition is devoid of merits and it is liable to be dismissed.

8. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

04.11.2024

To

1.The General Manager,
Virudhunagar District Co-operative
Milk Producers Union Ltd.,
Srivilliputhur, Virudhunagar.

2.The Assistant Divisional Engineer,
Highways,
Construction & Maintenance,
Aruppukkottai,
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G.K.ILANTHIRAIYAN, J.

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