



*W.P.(MD)No.30596 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **18.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.30596 of 2024

K.Pandi

... Petitioner

Vs.

1. The General Manager,  
Virudhunagar District Cooperative Milk Producers Union Limited,  
Srivilliputhur, Meenakshipuram Post,  
Madurai Road,  
Srivilliputhur 626 125

2. The Divisional Engineer,  
Highways Department,  
Virudhunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating to Na.Ka.No. 649/Kiosk Agent Cancellation/ 2024 dated 15.10.2024, passed by the 1<sup>st</sup> respondent and quash the same.

For Petitioner : Mr.J.Vishnu

For Respondents : Mr.K.Prabhu (R1)

Standing Counsel

Mr.S.Kameswaran (R2)

Government Advocate



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### **ORDER**

Challenging the cancellation of the licence of kiosk agent for selling milk and milk products in Sengamalnachiyarpuram, Tiruthangal, Sivakasi Taluk, issued by the first respondent in favour of the petitioner, in Na.Ka.No. 649/Kiosk Agent Cancellation/ 2024 dated 15.10.2024, this writ petition is filed.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel on either side and perused the materials placed before this Court.

4. The petitioner was appointed as a kiosk agent for selling milk and milk products in a corner area at Sengamalnachiyarpuram, Tiruthangal, Sivakasi Taluk, from 27.01.2021 to 26.01.2022. Even the licence period has expired. The impugned order came to be passed by the first respondent for the reason that the second respondent had cancelled the permission granted by the



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first respondent for running the kiosk shop in the said area, since the same is situated in a water body by the proceedings dated 03.10 2024. Challenging the same, this writ petition is filed.

5. A careful perusal of the licence issued in favour of the petitioner dated 27.01.2021 would reveal that his licence period has expired on 26.01.2022 itself. Even thereafter, the first respondent had permitted the petitioner to continue as kiosk agent for the aforesaid area and in view of the impugned order, it is necessary that the petitioner shall vacate the premises, where he is running the kiosk shop.

6. At this juncture, the learned counsel appearing for the petitioner drew my attention to the fact that the first respondent, even after expiry of the licence period, permitted the petitioner to run the kiosk shop in the water body and hence, he requested this Court to allow the petitioner to continue his business, till his representation is considered.

7. However, the said relief cannot be granted by this Court considering the fact that the shop is situated in a water body. The petitioner is therefore directed to find an alternative place for running his kiosk shop, till the disposal of his representation, which is likely to be made by him to the first respondent.



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8. In view of the above, this writ petition is dismissed giving liberty to the petitioner to make a fresh representation to the first respondent seeking to issue him with the kiosk agent licence for the next licence period. No costs.

**18.12.2024**

NCC : Yes / No  
Index : Yes / No  
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**TO:-**

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1. The Divisional Engineer,  
Highways Department,  
Virudhunagar District.



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**L.VICTORIA GOWRI, J.**

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Order made in  
W.P.(MD)No.30596 of 2024

Dated  
18.12.2024