



W.P.No.5592 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:17.04.2025

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THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.5592 of 2025

and

W.M.P.No.6167 of 2025

Mr.Raman Kandappan (Male/aged 55 years),

S/o Kandappan,

Residing at:

D.No.1/27, Mel Street,

Bikkampatti Village,

Pennagaram Taluk,

Dharmapuri District 636 813.

.. Petitioner

/versus/

1.The Managing Director,

Tamil Nadu Co-operative Milk Producer's Federation Limited,

Aavin Illam, Nandanam,

Chennai 600 035.

2.The District Collector,

District Collector's Office,

Dharmapuri District 636 705.

3.The Additional Collector/ Project Director,

District Rural Development and Panchayat Raj Office,

DRDA Office, Salem Main Road,

Dharmapuri District 636 705.



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4.The Managing Director,
DPD1179-Dharmapuri District Co-operative Milk Producer's Union,
107/30F, Vattaravalarchi Colony,
Aavin Junction, Krishnagiri Main Road,
Dharmapuri District 636 701.

5.The Assistant Director-Town Panchayat,
District Rural Development and Panchayat Raj Office,
DRDA Office, Salem Main Road,
Dharmapuri District 636 705.

6.The President,
TPD 209, Thalapallam Milk Producers Cooperative Society,
Bikkampatti Village and Post,
Pennagaram Taluk,
Dharmapuri District 636 813.

7.The Executive Officer,
Selection Grade Town Panchayat,
Paparappati Panchayat,
Dharmapuri District 636 809.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 2 to 7 to renew the licence to run the Aavin Shop granted in favour of the petitioner in Survey No.471 of the Sigaralahalli Revenue Village in the Pennagaram Taluk in the Dharmapuri District (within the limits of the Paparapatti Selection Grade Town Panchayat) based on the petitioner's representation dated 28.12.2023 at the earliest.

For Petitioner :Mr.D.Senthil Kumar

For Respondents :Mrs.R.L.Karthika, GA for R1 to R6
Mrs.R.Anitha, Spl.G.P. For R7



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ORDER

The prayer in the Writ Petition is to issue a Writ of Mandamus directing the respondents 2 to 7 to renew the licence to run the Aavin Shop granted in favour of the petitioner in Survey No.471 of Sigaralahalli Revenue Village in Pennagaram Taluk in Dharmapuri District (within the limits of the Paparapatti Selection Grade Town Panchayat) based on the petitioner's representation dated 28.12.2023.

2.The brief facts of the case is set out herein below:-

The petitioner applied to run an Aavin Milk Parlour Franchise through the office of the 4th respondent. After receiving approval from the 5th and 7th respondents, he was allotted an Aavin Milk Parlour in S.No.471 of Sigaralahalli Revenue in Pennagaram Taluk, Dharmapuri District, adjacent to the Paparapatti Bus Stand. The respondents granted license to run the shop. The petitioner contended that on 28.02.2019, a circular was issued by the 7th respondent directing the establishment of the Aavin shop on payment of a deposit of Rs.25,000/- and the monthly rent for the said shop was fixed at Rs.3,000/-.



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3. On 24.12.2019, an agreement was entered between the 4th respondent and the 7th respondent for the establishment and operation of the Aavin Shop at Paparappati Bus Stand in Pennagaram Taluk, Dharmapuri District. The petitioner was acknowledged as the shop owner by virtue of the agreement and he has duly complied with all the statutory requirements, including payment of rent, electricity charges, taxes and other dues up to date, as required by the respondents authorities. The shop license was valid from the year November 2019 to November 2022. As the license period was nearing its end, the petitioner sought renewal the license for the period from December 2022 to December 2025, as per the Rules and Regulations. Based on the oral instruction from the 7th respondent, the petitioner continued operating the Aavin shop on the said land and paid the enhanced rent of Rs.4,000/-. After the covid pandemic, the petitioner requested the 7th respondent to renew his ship license for the year 2023. However, the 7th respondent has not done so till date. For the year 2023-2024, the 7th respondent has not only refused to accept the rent, but also failed to renew the license to run the shop. Hence, he filed this petition for the aforesaid prayer.



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4. A counter affidavit has been filed by the 7th respondent on 28.02.2025. The relevant portion is extracted hereunder:-

“11.I submit that several significant developmental works have been undertaken in and around the Papparapatti Bus Stand. All the shop previously functioning in and near the Papparapatti Bus Stand has now been moved to the dedicated shopping complex inside the busstand which comprises shops of 10x10 square feet, whereas with regard to the 'AAVIN PARLOUR' since the agreement was in force, the same has been operating on the 40x15 square feet area near the entrance of the bus stand given that the current “AAVIN PARLOUR' is operating only on a 10x10 square feet area and the rest is run by 'VIJI BAKERY', it is requested that the subject premises be vacated and handed over to the Town Panchayat to facilitate further development works, as this location is situated at the entrance of the Bus Stand and holds potential for public utility and improvement.

12.I submit that as per Section 316 of the Tamil Nadu Urban Local Bodies Rules, 2023, and Guideline Value, the monthly rent should be revised at Rs.18,000/- per month (600 sq.ft. X Rs.1000 = 6,00,000x3% = Rs.18,000/-). However, till date, the 'AAVIN PARLOUR'



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has been functioning by paying meagre rent of Rs.3000/- only, thus causing financial loss to the Town Panchayat.”

5. The learned Special Government Pleader appearing for the 7th respondent further submitted that the property measuring an extent of 600 sq.ft., was allotted to the petitioner to run the Aavin Parlour. However, the petitioner is utilising only 100 sq.ft., for the Aavin Parlour while the remaining 500 sq.ft., is being used to run a bakery, which is in violation of the agreement between the petitioner and the 4th respondent. She further submitted that the initially the license was granted only one year from 08.12.2020 to 07.12.2021 and was subsequently renewed for another one year ie. from 08.12.2021 to 07.12.2022.

6. As the license for the Aavin Parlour was due to expire on 07.12.2023, a requisition letter seeking renewal was sent to the Executive Officer, Papparapatti Town Panchayat. In response, the Executive Officer informed that the Administrative Members of the Papparapatti Town Panchayat had granted temporary permission to continue operating the shop at the same location until 31.03.2025. However, the license has not been formally renewed by the 7th respondent till date.



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7. The learned counsel further submitted that the land in question is required for the expansion of the bus stand, and the entire extent of 600 sq. ft. is necessary for that purpose. It was further submitted that once the expansion work is completed, a public tender will be issued, and space for operating an Aavin Parlour will be allotted through public auction, in accordance with the due process of law.

8. Considering the above facts and circumstances of the case and in view of the fact that, upon completion of the bus stand expansion, a tender will be called for and space for the Aavin Parlour will be allotted through public auction by following the due process of law, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

17.04.2025

Index:yes/no
Speaking order/non speaking order
Neutral citation:yes/no
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To

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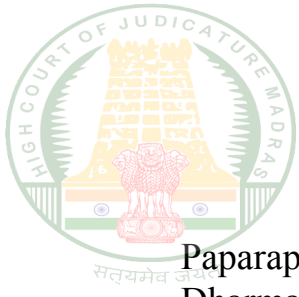
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7.The Executive Officer,
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8.The Government Advocate, High Court, Madras.

9.The Special Government Pleader, High Court, Madras.



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