



W.P.No.15324 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

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CORAM :
THE HONOURABLE MRS. JUSTICE N.MALA

Writ Petition No.15324 of 2025
and W.M.P.Nos.17319 & 17320 of 2025

Parivallal

... Petitioner

Vs.

1.The District Collector,
Thirupatthur District,
Tirupatthur.

2.The Executive Engineer,
Public Works Department,
Thirupatthur District,
Thirupatthur District.

3.The General Manager,
Thirupatthur District Co-operative Milk Producers Limited,
(Part A1 and A2),
5th Floor,
Collectorate Office,
Thirupatthur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records in impugned proceedings in Na.Ka.No.146/V.P./2023 dated 09.10.2024 on the file of



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1st and 3rd respondents and quash the same and directing the respondents 1 to 3 to renew the lease to enable the petitioner to continue and run the business of vending milk, tea and snacks as the franchisee of the 3rd respondent inside the collectorate campus of Thirupatthur district situated at TS.No.325 Ward No.2, Block No.13 and grant such other relief.

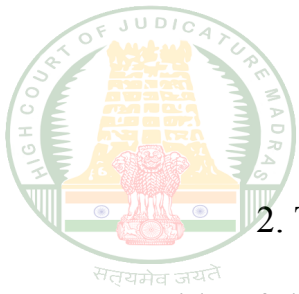
For Petitioner : Mr.R.Rajarajan

For Respondents 1 & 2 : Mr.M.Rajendiran,
Additional Government Pleader

For Respondent 3 : Mr.K.Tamil Vendhan,
Government Advocate

ORDER

The petitioner has filed this petition seeking to call for the records in impugned proceedings in Na.Ka.No.146/V.P./2023 dated 09.10.2024 on the file of 1st and 3rd respondents and quash the same and directing the respondents 1 to 3 to renew the lease to enable the petitioner to continue and run the business of vending milk, tea and snacks as the franchisee of the 3rd respondent inside the collectorate campus of Thirupatthur district situated at TS.No.325 Ward No.2, Block No.13 and grant such other relief.

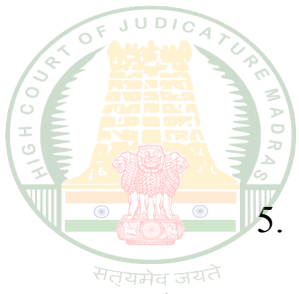


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2. The petitioner, a physically disabled individual with paralysis on the right side of the body for the past 10 years, was allotted space for an Aavin bunk stall measuring 10ft by 15ft at T.S.No.325, Ward No.2, Block No.13 inside the Collectorate campus. The annual rental value was fixed at Rs.72,930/- for the period from 01.07.2023 to 30.06.2024, which the petitioner duly paid, and the stall was set up accordingly. However, without any prior notice, the respondents 1 & 2 removed the stall and shifted it outside the Collectorate premises. Subsequently, by impugned proceedings dated 09.10.2024 in Na.Ka.No.146/V.P./2023, the respondents 1 & 3 cancelled the lease, alleging non-compliance with lease conditions. Aggrieved by this arbitrary and unjust action, the petitioner has filed the present writ petition challenging the cancellation order.

3. Learned counsel for the petitioner submitted that the respondents 1 & 3 have passed the impugned order dated 09.10.2024 without issuing any notice or opportunity of personal hearing to the petitioner.

4. Heard the learned counsel on either side and perused the materials available on record.



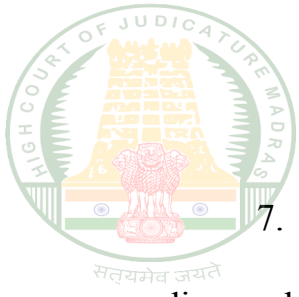
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5. It is an admitted fact that the respondents 1 & 2 have passed the impugned order dated 09.10.2024 without issuing any notice or opportunity of personal hearing to the petitioner, which is a violation of Principles of Natural Justice. On this sole ground, the impugned order dated 09.10.2024 vide Na.Ka.No.146/V.P./2023 is liable to be quashed and the same is hereby quashed.

6. In view of the above facts and circumstances of the case, this Court issues the following directions:

(i) The petitioner is directed to give a fresh representation to the first respondent for running a Aavin Bunk Stall, within a period of one week from the date of receipt of a copy of this order;

(ii) On receipt of such representation, the first respondent is directed to consider the same, after giving due notice to the petitioner, affording an opportunity of personal hearing and considering the documents filed by the petitioner and pass appropriate orders on merits, in accordance with law within a period of six weeks from the date of receipt of a copy of this order.



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7. With the aforesaid observation and directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

14.07.2025

vm/dsn

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

To:

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N.MALA,J.

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