



Rev.Apl.W(MD)No.180 of 2023
in
W.P.(MD)No.5545 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Rev.Apl.W(MD)No.180 of 2023
in
W.P.(MD)No.5545 of 2020

The Principal District Judge,
District Court Complex,
Thanjavur.

... Review Petitioner / 1st Respondent

Vs.

1.A.Venkatachalapathy

... 1st Respondent / Petitioner

2.The Managing Director,
Thanjavur District Co-Operative Mill,
Producers Union Limited,
Thanjavur-6.

... 2nd Respondent / 2nd Respondent

3.The Executive Engineer,
Public Works Department,
Building Construction and
Maintenance Division,
Thanjavur.

... 3rd Respondent / Respondent

PRAYER: Petition filed under Order 47 Rule 1 r/w Section 114 of C.P.C., praying to review the order passed in W.P.(MD)No.5545 of 2020, dated 29.07.2022.



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For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.J.Parekh Kumar
for R1
: Mr.K.Prabhu
for R2

: Mr.K.Balasubramani
Special Government Pleader for R3

ORDER

Heard both sides.

2. The first respondent herein filed W.P.(MD)No.5545 of 2020 questioning the decision of the Principal District Judge, Thanjavur negating his request to run the Aavin Milk Bar in the newly constructed integrated District Court complex, Thanjavur. The writ petition was allowed by me vide order dated 29.07.2022 in the following terms:-

“2.The petitioner was running Aavin Milk Bar as a franchise in the District Court complex of Thanjavur. Following construction of integrated Court building, Courts have been shifted. The petitioner wants to run his outlet in the newly constructed campus also. A request was made to the first respondent. The first respondent by the impugned communication declined to consider. Questioning the same, the present writ petition has been filed.



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3. When the matter was taken up for hearing, I wanted to know from the learned standing counsel for Aavin, if they are willing to continue the petitioner as their franchise. The second respondent had made it clear that they have no objection for the petitioner to run an Aavin outlet in the newly constructed Court complex.

4. I also heard the learned counsel for the first respondent as well as the learned Special Government Pleader for the third respondent. Since Aavin has given its concurrence, the third respondent is directed to earmark a site in the newly construct District Court complex, Thanjavur after obtaining the concurrence of the first respondent. The first respondent will give his consent for an appropriate site. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.”

Aggrieved by the said order, this review application has been filed.

3. When the matter was taken up on 23.11.2023, I directed the review applicant to seek clarification from the Registrar (General) on the following two aspects:-

“(A) Whether any formal decision has been taken by the Hon'ble High Court as regards the holding of public auction in all the District Courts for installation of Aavin Milk Booths?

(B) Whether the revenue flowing from conducting of any public auction for the shops within the court campus is received by the courts concerned or it goes to the Public Works Department?”



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4. The Registrar (General) of the High Court had submitted a report stating that while public auction is conducted in respect of tea shops, canteen, job typing etc., for running Aavin Milk Booths in the subordinate courts, no public auction is held. It is further admitted that no formal decision has been taken by the High Court as regards the holding of the public auction in all District Courts for installation of the Aavin Milk Booths.

5. The writ petitioner was running Aavin Milk Parlor in the old district court campus. When the District Court has been established and Aavin also wants to run its outlet in the new campus, in the very nature of things, permission has to be accorded. I do not find any error apparent on the face of the record in the order allowing the writ petition.

6. The learned standing counsel for the high court contended that in the writ petition, the Registrar (General) was not made a party. This defect now stands more than cured. Only after getting the Registrar (general)'s written instructions, the present review application is being disposed of.



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7. The primary objection taken by the review applicant appears to be that without conducting public auction, allotment cannot be made for the writ petitioner. This ground cannot hold good in the face of the instructions now given by the Registrar (General).

8. The learned counsel appearing for the writ petitioner / first respondent urges that the writ petitioner is being edged out at the instance of the person who has been licensed to run the canteen. This is a serious allegation. I therefore would expect the review applicant to ensure that the writ petitioner is accorded a fair treatment. He has to earmark the place within the court campus. He cannot be relegated to some insignificance spot outside the court campus.

9. The review application stands dismissed. No costs.

17.02.2025

Index : Yes/No
Internet : Yes/No
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G.R.SWAMINATHAN, J.

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To

The Executive Engineer,
Public Works Department,
Building Construction and
Maintenance Division,
Thanjavur.

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