

W.P.(MD)No.15872 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 16.06.2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.15872 of 2026

and

W.M.P.(MD)Nos.11886 and 11891 of 2026

P.Thangaraja

.. Petitioner

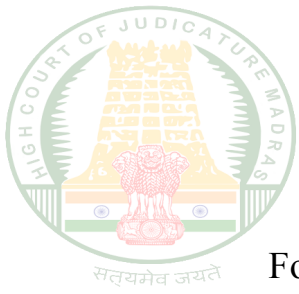
- Vs. -

1.The District Collector-Kanniyakumari
Collectorate Office, Kanniyakumari,
Kanniyakumari District at Nagercoil.

2.The General Manager,
Kanyakumari District Co-operative Milk
Producers Union Ltd., (Aavin),
Kanniyakumari District at Nagercoil.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pursuant to the impugned order in Na.Ka.No.537/MKg/2017 dated 03.06.2026 and consequential show cause notice in Na.Ka.No. 537/MKg/2017 dated 05.06.2026 and quash the same as illegal and consequently direct the respondents to restore possession of the Aavin Milk Retail Parlour at Kanyakumari Urban Heat to the petitioner and permit the petitioner to continue his business without any hindrance.



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For Petitioner

: M/s.S.Sangeetha Sri

For Respondents

: Mr.R.Parthiban
Government Standing Counsel for R1

Mr.M.Thirunavukkarasu
Standing Counsel for R2

ORDER

The writ petition is filed challenging the impugned order dated 03.06.2026 and the consequential notice dated 05.06.2026.

2. The brief facts leading to the filing of the writ petition are that the second respondent, who is the Co-operative Society, owns a shop established for the purpose of running a parlour for selling the products under the brand “Aavin”, which belongs to the Co-operative Federation. While so, a license to run the parlour was granted to the petitioner in the year 2018. It is stated that in the past, violations were noted on threefold. Firstly, the petitioner used to sell other snacks and items which are not the Aavin goods, without giving preference to the Aavin products. Secondly, it is alleged that the petitioner had made certain modifications to the shop. Thirdly, it was alleged that the petitioner was keeping the shop in an unhygienic condition. It can be seen from the impugned order that, on



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03.06.2026, the District Collector made an inspection and found that the shop was not maintained in a hygienic condition. On the same day, pursuant to the inspection made by the District Collector and on his instructions, the second respondent cancelled the licence by the impugned order dated 03.06.2026.

3. The learned counsel for the petitioner would submit that the only ground mentioned in the impugned order is that the shop was not maintained in a hygienic condition. Subsequently, the petitioner has cleaned the entire shop and has requested the respondents to reconsider the decision, inasmuch as the deficiencies pointed out during the inspection have been rectified. The learned counsel would further submit that this is the petitioner's livelihood, and without issuing any show cause notice, the impugned order has been passed, and the petitioner is now required to take away his belongings. Therefore, the learned counsel for the petitioner would submit that this Court should interfere in the matter.

4. Per contra, the learned Standing Counsel appearing on behalf of the second respondent Union, by filing a counter affidavit, would submit that several show cause notices were issued on 19.10.2023, 08.01.2024,



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09.07.2024 and 28.07.2025 etc. The petitioner is a chronic defaulter and has been continuously selling other products without giving preference to Aavin products. He has also indulged in keeping the shop in an unhygienic condition. The learned Standing Counsel would submit that this is a license issued to the petitioner, and as per Clauses 19 and 20 of the license agreement, the license can be terminated without any notice. Upon inspection by the District Collector, it was found that the shop was in an unhygienic condition affecting the customers. Hence, Clause 20 was invoked, the license was cancelled, and the respondents have re-entered the premises from 07.06.2026. They are now running the parlour under the direct supervision of the second respondent, and the petitioner was requested to come and collect his belongings.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. Eventhough the impugned order was passed under the directions of the District Collector, once the clauses relating to the license agreement are invoked by the second respondent Co-operative Society and it is stated that they have re-entered possession, at this stage, the relief sought for by the



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petitioner cannot be granted by this Court. If the petitioner has any grievance on account of the invocation of Clauses 19 or 20 of the leave and license agreement, it will be open for the petitioner to approach the appropriate forum as against the action of the second respondent Co-operative Society with reference to the license agreement. Since the shop is now being run by the second respondent directly, no further relief can be granted to the petitioner. However, liberty is granted to the petitioner to approach the appropriate forum, and the writ petitions stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

7. It can be seen that even in the instant shop, every snacks and other items are packed in single-use plastics, which are extremely harmful to the sensitive environment of the seashore, are being sold. Similar items are also sold in the private shops. The District Collector can consider zoning the beach and its surrounding areas and prohibiting the use of such single-use plastic and other plastic packaged items. Further, the shopkeepers can be instructed to use glass bottles and to deliver goods to the customers in leaves or other recyclable materials, including butter paper etc.

16.06.2026

sjj
NCC: Yes/No

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D.BHARATHA CHAKRAVARTHY, J.

sjj

To

The District Collector-Kanniyakumari
Collectorate Office, Kanniyakumari,
Kanniyakumari District at Nagercoil.

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