

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 9373 of 2015 (V)

PETITIONER(S):

1. LAILA,
CHERUVILLA PURAYDOM, VALAKKODU P.O., PUNALLOOR.
2. MUHAMMED RAFAEEK.M
CHERUVILLA PURAYDOM, VALAKKODU P.O., PUNALLOOR.

**BY ADVS.SRI.A.N.RAJAN BABU
SRI.P.GOPALAKRISHNAN (MVA)
SRI.A.R.EASWAR LAL**

RESPONDENT(S):

1. SECRETARY, HEALTH AND FAMILY WELFARE DEPARTMENT,
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
TRIVANDRUM- 695 001.
2. DISTRICT MEDICAL OFFICER,
KOLLAM- 691 001.
3. SUPERINTENDENT,
KOTTARAKARA TALUK, HEAD QUARTERS HOSPITAL,
KOTTARAKARA- 691 506.

R1 TO R3 BY (SR) GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1- A TRUE COPY OF THE RECEIPT OF MONTHLY RENT BY 1ST PETITIONER ON
28.2.2015.**

**EXT.P1(A)-A TRUE COPY OF THE RECEIPT OF MONTHLY RENT BY 2ND PETITIONER
ON 28.2.2015.**

**EXT.P2- A TRUE COPY OF THE ORDER ISSUED BY 3RD RESPONDENT PERMITTING
2ND PETITIONER FOR DISTRIBUTION OF FOOD ITEM TO PATIENTS UNDER
JSSK SCHEME.**

**EXT.P3- A TRUE COPY OF THE ORDER NO.34952/M3/2010/HFD DATED 7.8.2010 ISSUED
BY 1ST RESPONDENT.**

**EXT.P4- A TRUE COPY OF THE REPRESENTATION SUBMITTED BY 2ND PETITIONER
DATED 16.3.2015 TO 3RD RESPONDENT.**

EXT.P5- A TRUE COPY OF THE REPRESENTATION FILED BY PETITIONERS.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

vmr.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.9373 of 2015

Dated this the 24th day of March, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"1. To issue a writ of mandamus directing the respondents to permit the petitioners to conduct the milma booth and the coffee shop in the compound of Kottarakara Taluk head quarters hospital on condition of increase of monthly rent by 5% every year.

2. To issue a writ of mandamus directing the 1st respondent to consider and dispose the P4 representation filed by the petitioners.

3. To direct the respondents to permit the petitioners to continue the conducting of milma booth and coffee shop subject to such condition which deems fit to impose reasonably.

4. To direct respondents not to proceed with auctioning of the premises of Kottarakara Taluk Government head quarters hospital for carrying out the business under franchise with milma or running milma booth or coffee shop and not to evict the petitioners.

5. To grant such other relief which deems fit in the circumstances of the case."

The learned counsel for the petitioners submits that, the grievance of the petitioners has also been projected by way of Ext.P5 representation and that the petitioners will be satisfied, if a direction is given to the first respondent to have it considered

and finalized within a reasonable time.

2. Heard the learned Government Pleader as well.

3. In view of the limited extent of relief sought for and proposed to be given, this Court does not find it necessary to deal with the merits of the case.

4. In the above circumstances, there will be a direction to the first respondent to consider and pass appropriate orders on Ext.P5, after affording an opportunity of hearing to the petitioners, at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment.

The petitioners are set at liberty to move the first respondent, if at all any interim relief is required.

The petitioners shall produce a copy of this judgment, along with a copy of the writ petition, before the first respondent, for further steps.

The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE.**