

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2015

CORAM:

THE HON'BLE MR.JUSTICE N. KIRUBAKARAN

W.P.No.21693 of 2015

and

M.P. No. 1 of 2015

G. Vilvijayan

... Petitioner

Vs.

1. The Director of Medical Service
DMS Building Thenampet Chennai.
2. The Joint Director of Medical Service
Joint Director of Medical Service
Vellore District
3. The Medical Officer
Government Hospital
Vaniyampadi
Vellore District
4. The Assistant Engineer
Public Works Department
Building Maintenance-Medical Works
Thirupathur
Vellore District

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned order of the 4th respondent dated 13.7.2015 and quash the same, consequently direct the respondents to permit the petitioner to run the Kiosk at the premises of the 3rd respondent by taking necessary steps over his renewal application dated 16.4.2015 and to pass further orders.

For Petitioner : Mr. K. Thilageswaran
For Respondents : Mr. V. Jayaprakash Narayanan
Special Government Pleader

O R D E R

The petitioner has been permitted to run a Kiosk (Vending Tea and Coffee), at the premises of the third respondent from 1993 onwards, which was renewed every year. His renewal application dated 16.04.2015 was pending. However, on 13.07.2015 the impugned order has been passed denying permission to the petitioner to run the Kiosk. Challenging the same, the petitioner has come before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader.

3. Counter affidavit has been filed by the fourth respondent stating that the lease has been extended for a further period of one year from 13.07.2015 to 12.07.2016 by virtue of the order dated 29.07.2015. Paragraph 7 of the counter affidavit is extracted as below:

' 7. It is further submit that the request of the petitioner was considered by the first respondent by an order passed in O. Mu. No. 45263/Thival/4/2015 dated 29.07.2015 and lease was extended for further period of one year from 13.07.2015 to 12.07.2016 on the following conditions stipulated therein the order. In view of the extension of lease granted by the concerned authority namely the first respondent herein the impugned order passed by the fourth respondent becomes non-operative. The 4th respondent is maintaining the buildings of the third respondent Hospital and it is the duty of the 4th respondent to fix a lease amount as per PWD norms and buildings should be maintained properly without any encroachment.'

4. Recording the above paragraph 7 of the counter, which states that the petitioner's lease has been renewed upto 12.07.2016, the impugned order is set aside.

5. Since, the prayer of the petitioner has already been considered, no further order is necessary in this petition. Hence, the Writ Petition is disposed of. Consequently, the connected M.P is closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

avr

To

1. The Director of Medical Service
DMS Building Thenampet Chennai.
2. The Joint Director of Medical Service
Joint Director of Medical Service
Vellore District
3. The Medical Officer
Government Hospital
Vaniyampadi
Vellore District
4. The Assistant Engineer
Public Works Department
Building Maintenance-Medical Works
Thirupathur
Vellore District

+1cc to Mr.K.Thilageswaran, Advocate, S.R.No.47252
+1cc to the Government Pleader, S.R.No.47638

W.P.No.21693 of 2015
and
M.P. No. 1 of 2015

KM(CO)
CA(29/09/2015)

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