

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.30103 of 2015
&
M.P.Nos.1 to 3 of 2015

B.Latha

...Petitioner

Vs.

1.The Medical Officer (Incharge)/Civil Surgeon,
Government Peripheral Hospital,
Periyar Nagar, Chennai.

2.Public Works Department,
Rep. By its Executive Engineer,
Government R.S.R.M. Hospital Section,
Royapuram, Chennai-600 013.

...Respondents

Petition in W.P.No.30103 of 2015 is filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the first respondent pertaining to the impugned order in Na.Ka.No. 609/Ni2/15 dated 21.05.2015, quash the same and consequently, direct the respondents to renew the lease in favour of the petitioner in respect of the said leased premises having an extent of 40 sq.ft., (8'x5') situated in Government Peripheral Hospital, periyar Nagar, Chennai-600 082.

For Petitioner : Mr.C.Mahendran

For Respondents : Mr.P.Rajalakshmi,
Government Advocate

ORDER

The petitioner was given permission by letter dated 12.12.2011 to put up a "Tea Stall" till 21.12.2014. After expiry of the said period originally granted on the request of

the petitioner, a recommendation was made to the Junior Engineer, Public Works Department, R.S.R.M., Section, Royapuram, Chennai. By an order dated 07.05.2015, the Dean, Government Peripheral Hospital, Periyar Nagar, Chennai, has made his recommendation to the Director of Medical Education, Kilpauk, Chennai. However, by the subsequent proceedings dated 21.05.2015, the petitioner was informed to vacate the temporary Tea Stall put up by her in view of the Government Order passed in G.O.No.93 Public Health and Family Welfare Department(H-2), dated 25.03.2015. Challenging the same, the present writ petition has been filed.

2. The learned counsel appearing for the petitioner submitted that the petitioner cannot be removed unilaterally. She has been running a shop from the year 2012 onwards.

3. Per contra, the learned Government Advocate appearing for the respondents, on instructions, submitted that the decision has been taken by the Government in G.O.No.93 Public Health and Family Welfare Department(H-2), dated 25.03.2015 by way of a policy to have a new canteen as exists in the railway stations. In pursuant to the said decision made, keeping in mind the hygienic condition of the food items, the petitioner's licence was not extended. Electricity connection has been disconnected to the said stall since she has not paid the amount and in any case, she has already vacated the temporary structure put up by her.

4. The petitioner does not have a legal right to insist for the lease. The Government Order passed is the earlier one and it has also not put into challenge. The petitioner is not running the shop as on today. The stall put up is a temporary one.

5. For the abovesaid reasons, this Court does not find any reason to interfere with the order impugned and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(LA)

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Sub Assistant Registrar

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To

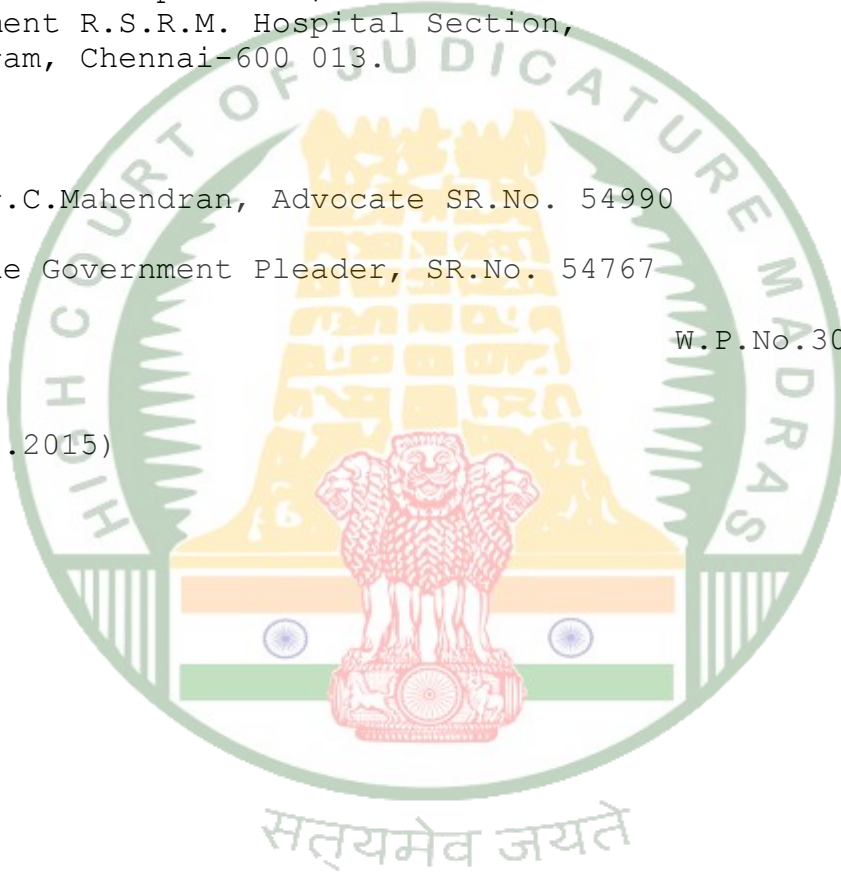
1. The Medical Officer (Incharge)/
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1 CC to Mr.C.Mahendran, Advocate SR.No. 54990

1 CC to the Government Pleader, SR.No. 54767

W.P.No.30103 of 2015

SKV (CO)
PSI (19.10.2015)



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