



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2015

WEB COPY

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THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P(MD) .No.7054 of 2013 and
M.P(MD) .Nos.1 and 2 of 2013

N.K. Pushpavalli @ Pushpa

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
rep. By its Secretary,
Health and Family Welfare Department,
Fort. St. George, Chennai.
2. The Director of Medical Education,
Chennai -5
3. The Director of Medical Services and
Family Welfare, Chennai - 6
4. The Dean,
O/o. The Dean, Tanjore Medical College,
Tanjore.
5. The Assistant Engineer,
Public Works Department,
Tanjore Medical College, Tanjore.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned endorsement in Oo.Moo.No.2755/ThiDVa/2013 dated 03.04.2013 issued by the respondent No.4 and quash the same as illegal and consequently to direct the respondents 1 to 5 to renew the lease for the kiosks in the name of the petitioner in an extent of 8'x8'at Tanjore Medical College Hospital premises, Tanjore within the time stipulated by this Court.

For Petitioner : Mr.T. Lajapathiroy

For Respondents : Mrs. A. Muthukaruppan

Additional Government Pleader



ORDER

This Writ Petition has been filed praying to call for the records pertaining to the impugned endorsement in Oo.Moo.No.2755/ThiDVa/2013 dated 03.04.2013 issued by the respondent No.4 and quash the same as illegal and consequently to direct the respondents 1 to 5, to renew the lease for the kiosks in the name of the petitioner in an extent of 8'x8'at Tanjore Medical College Hospital premises, Tanjore within the time stipulated by this Court.

2. The petitioner's husband viz., (Late) N.M. Kumaravel has a member of National Association of Educated Self Employed Youth was allotted place to run the Kiosk in the fourth respondent hospital premises. The such shop was run by her husband for the past 36 years, till he died on 02.12.2012. On the death of the petitioner's husband, the fourth respondent informed that the lease for Kiosk expired, by proceeding dated 01.01.2013. Thereafter, the petitioner sent a representation on 31.12.2012 and the remainder on 07.01.2013. Further, the fourth respondent's proceedings dated 09.01.2013, directed the petitioner to close the Kiosk, till the petitioner gets permission from the NASEY and renewal of lease for Kiosk. In the meanwhile, the petitioner sent a representation to the fifth respondent to provide water connection to the Kiosk. In continuation of the same, the petitioner has also sent a representation, dated 11.03.2013, to allot the shop for the petitioner's name and the same was rejected, by virtue of order dated 03.04.2013, passed by the fourth respondent. The said order being challenged before this Court.

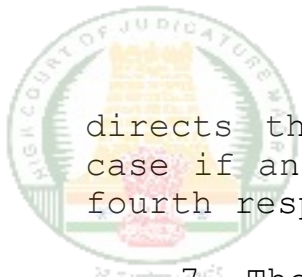
3. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

4. The learned Additional Government Pleader produced the proceedings dated 11.01.2012 stating that the Canteen has already been closed. Further, he would submit that the view already taken by the policy decision, by the proceedings dated 25.03.2015, not to allow the petitioner to run the canteen in the fourth respondent premises. In such circumstances, there is no chance for permitting the petitioner to run the canteen.

5. However, the learned counsel for the petitioner contended that the petitioner has already given a representation and the same was rejected. In any case, any of the similarly placed person is allotted to any shop, the case of the petitioner can ~~be considered in the same manner.~~

<https://hccs.ehcots.com/series>

6. Taking into consideration of the submission, this Court



directs the fourth respondent to pass appropriate orders in any case if any similarly placed persons are allotted the shops in the fourth respondent hospital premises.

7. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (Per.Admn)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Health and Family Welfare Department,
Fort. St. George, Chennai.
2. The Director of Medical Education,
Chennai -5
3. The Director of Medical Services and
Family Welfare,
Chennai - 6
4. The Dean,
O/o. The Dean, Tanjore Medical College,
Tanjore.
5. The Assistant Engineer,
Public Works Department,
Tanjore Medical College,
Tanjore.

+ 1 CC TO MR.T.LAJAPATHI ROY, ADVOCATE IN SR NO. 67631
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 67359

TRP
TE/SKS-RR/ : 30/12/2015 : 3P/8C

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