

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.34519 and 34520 of 2016

and

WMP.No.29754 and 29755 of 2016

B.Dhanalakshmi ... Petitioner in both W.Ps.

versus

1. The Dean
Thiruvavarur Medical College
& Hospital, Thiruvavarur.
2. The Executive Engineer,
Public Works Department,
Building Construction and
Maintenance Division,
Thiruvavarur. ... Respondents in both W.Ps.

Prayer in W.P.No.34519 of 2016 : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorarified mandamus, to call for the records on the file of the 1st respondent passed in Na.Ka.No.4106/Thi.Va. Dated 15.09.2016 and to quash the same and consequently, direct the respondents to collect the water charges from the petitioner namely V.V.R. Canteen from 01.02.2015.

Prayer in W.P.No.34520 of 2016: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorarified mandamus, to call for the records on the file of the 1st respondent in Na.Ka.No.4106/Thi.Va. Dated 09.09.2016 and to quash the same and consequently, direct the respondents to collect the electricity charges from the petitioner namely V.V.R.Canteen from 01.02.2015.

For Petitioner : Mr.K.Sannjay

For Respondents : Mr.A.N.Thambidurai,
Special Govt. Pleader

COMMON ORDER

By consent of both parties, the present writ petition is taken up for final disposal at the admission stage itself.

2. The case of the petitioner is that she is running a Canteen at Thiruvavarur Medical College and Hospital at Thiruvavarur under the name and style of V.V.R. Canteen. While so, in the year 2015, the 2nd respondent issued Tender Notification in the daily news paper. In the tender, the petitioner and two other persons participated, of which, the petitioner was declared as a successful bidder and the second respondent granted permission to run the Canteen business for a period of three years from June 2015 to January 2018 and based on that, the petitioner is running a canteen from 2015 onwards as per the condition and she has paid the rent amount till date. In the meantime, the second respondent passed an order dated 10.02.2016, increasing the rent on completion of one year. The petitioner also paid the increased rent for the past one and half years. While so, the first respondent disconnected the water supply connection in the canteen. Immediately after disconnecting the water supply, the petitioner made a representation to the first respondent dated 16.08.2016, requesting him to provide water supply to her canteen. Thereafter, the petitioner contacted the first respondent to request him to provide water supply, but, the first respondent refused to see the petitioner. Hence, the petitioner filed a writ petition in W.P.No.29289 of 2016 seeking a direction to the respondent to provide water supply to her canteen. This Court, by an order dated 23.08.2015, directed the first respondent to pass orders on the petitioner's representation dated 16.08.2016, within a period of two weeks from the date of receipt of the copy of the order. Pursuant to the direction of this Court, the first respondent sent a notice dated 09.09.2016 intimating the petitioner that she has to pay the Electricity charges from 28.06.2013 onwards and directed to pay the same to the authorities within seven days. The first respondent further sent a notice dated 15.09.2016 intimating the petitioner that she has to pay the water charges from 2012 and directed to pay the water charges to the authorities within seven days. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner was running the canteen from 01.02.2015 onwards. While being so, the first respondent sent the notices dated 09.09.2016 and 15.09.2016, directing the petitioner to pay the electricity charges and water charges from the year 2013 and 2012 onwards. Therefore, the said notices are passed without the application of mind and as such, the same have to be set aside.

4. The learned Special Government Pleader appearing for the respondents submitted that the demands are made for the alleged arrears of the previous owner of the canteen, who is none other than the husband of the petitioner. In order to avoid the payment of previous balance of electricity charges and water charges to be paid by the petitioner's husband, the petitioner changed the name of the canteen owner and filed this writ petition as if she is the owner of the canteen from 01.12.2015 onwards.

5. Heard the learned counsel for the petitioner as well as the learned Special Govt. Pleader appearing for the respondents.

6. As rightly contended by the learned Special Government Pleader, the petitioner's husband was running the canteen from the year 2012 onwards. The petitioner is running the canteen from 01.02.2015 onwards pursuant to the tender floated by the respondent. Now, the petitioner is before this Court with unclean of hands and without disclosing the fact that her husband was running the canteen for the year 2012 onwards, during which, he has to pay the electricity charges and water charges. Without paying the arrears amount, the petitioner has filed these writ petitions stating as if she is running the canteen from 01.02.2015 onwards. Furthermore, in order to avoid payment of electricity charges and water charges from 2012 onwards, the petitioner has filed these writ petitions. Once a person takes a contract to run a canteen in the college campus, the person has to pay the charges as per the terms and conditions of the contract. But, in the case on hand, the petitioner's husband, who took the contract from the year 2012, has not paid the electricity charges and water charges. Without disclosing the same, the petitioner has filed the present writ petitions. When the petitioner has not paid the amount, she could not continue in possession of the canteen premises.

7. In such view of the matter, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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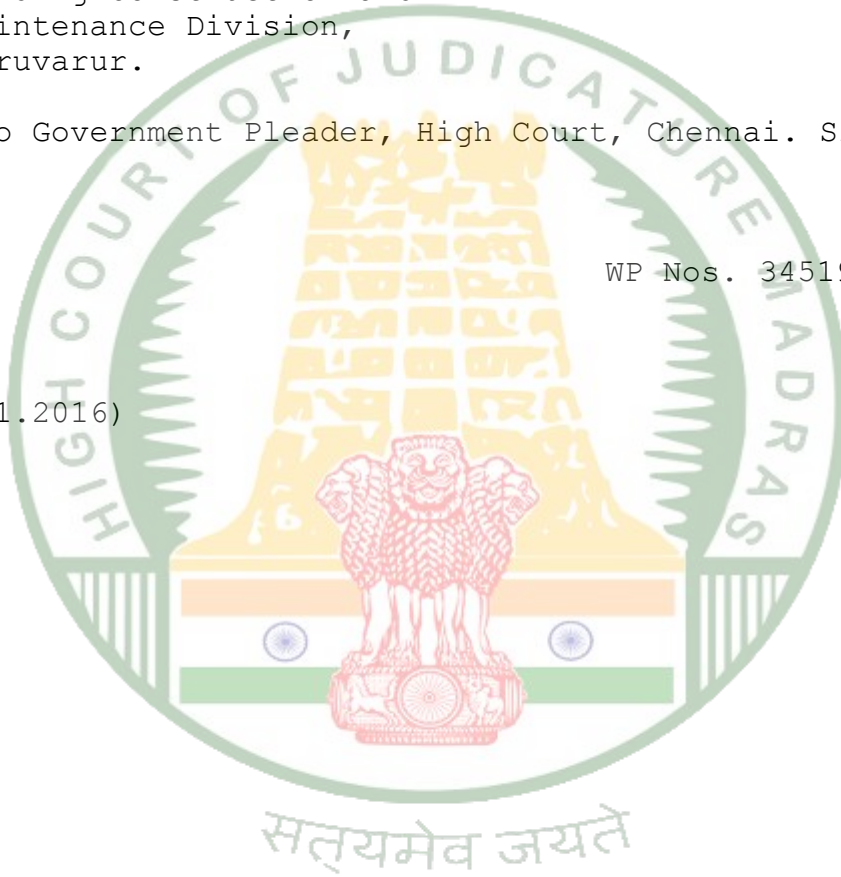
To

1. The Dean
Thiruvarur Medical College & Hospital,
Thiruvarur.
2. The Executive Engineer,
Public Works Department,
Building Construction and
Maintenance Division,
Thiruvarur.

+2 CC to Government Pleader, High Court, Chennai. Sr.No.56571,
56572.

WP Nos. 34519 & 34520/2016

ACA (CO)
KP (12.11.2016)



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