

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-12-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.21399 of 2017

K.Vasanth Kumari

... Petitioner

Vs

1. The Joint Director of Health Services
No.54/5, Assoori Street,
Thiruvallur - 602 001.
 2. The District Collector
Collectorate
Thiruvallur,
Thiruvallur District.
 3. The Principal Secretary
Health and Family Welfare
Fort St.George
Chennai 600 009.
 4. The Director of Medical Sciences
And Rural Services
DMS Complex
No.361, Anna Salai,
Chennai 600 006.
 5. J.Ignatius Saral Veda Guruz
SPG Education & Charitable Trust
No.37, South Vanmathi Nagar,
Kandankollai, Tirur Post - 602 025,
Tiruvallur District.
- ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to dispose of petitioner's representation dated 18.07.2017 within a time frame.

For Petitioner : Mr.Dr.P.Vasudevan

For Respondents : Mr.T.M.Pappiah for R1 to R4
Special Government Pleader

R5 : No appearance

O R D E R

The petitioner is the landlady of the ground and premises at No.24, 1st Floor, 1st Main Street, Dasarpuram, Near Dasar Higher Secondary School, Tiruninravur, Chennai 602 024, and the ground floor of the said building has been let out to the 5th respondent for residential purpose. However, contrary to the promise given to the petitioner, the fifth respondent is using the premises for running an institute, by name, M/s.Florence Institute of Paramedical Sciences. Therefore, the first respondent by proceedings No.2449/E2/2016 dated 22.08.2016 had taken action by sealing and closing the institute, in public interest as there was no approval from the concerned authorities.

2. Since the institute has been sealed, the petitioner has given a representation to the Joint Director of Health Services, namely, the first respondent herein to handover the possession of the premises, which is under the occupation of the fifth respondent, who was running the institute in the name of M/s.Florence Institute of Paramedical Sciences. Eventhough, the said representation was given on 18.07.2017, so far, no orders has been passed. Hence, the petitioner has come before this Court.

3. Heard, Dr.P.Vasudevan, learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for respondents 1 to 4. Notice was ordered to the fifth respondent and he was served and one Mr.Thanigaivasan, learned counsel's name is appearing in the cause list for the fifth respondent. On earlier occasions also, he has not appeared and even today, he has not appeared before this Court to discharge his duty as the counsel for the fifth respondent.

4. Since, there is no response from the fifth respondent, considering the limited scope of the writ petition, this Court passes the following order.

5.Considering the fact that the petitioner has given a representation to the first respondent on 18.07.2017, with regard to the premises owned by the petitioner, it is appropriate to direct the first respondent to consider the said

representation and pass appropriate orders on the same, on merits and as per law, within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of. No costs.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

dna/nv

To

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+1 CC to Govt. Pleader sr 91961.

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KGK(CO)
SP(22/01/2018)