



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) No.371 of 2017

V.Mallika

... Appellant/ Petitioner

Vs.

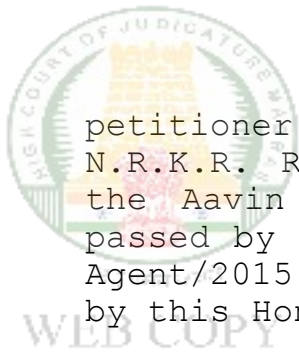
- 1.The Director,
Medical and Rural Health Services,
DMS Complex,
361, Anna Salai, Teynampet,
Chennai - 600 006.
- 2.The District Collector,
Virudhunagar District,
Virudhunagar.
- 3.The Chairman,
Virudhunagar District Co-operative Milk Producers Union Ltd.,
Srivilliputtur,
Virudhunagar District.
- 4.The General Manager,
Virudhunagar District Co-operative Milk Producers Union Ltd.,
Srivilliputtur,
Virudhunagar District.
- 5.The Joint Director,
Medical and Rural Health Services,
Opp. to Virudhunagar Government Hospital,
Mallankinaru Road,
Virudhunagar.
- 6.The Medical Officer,
N.R.K.R.Rajarithnam Government Hospital,
Shield Road,
Sivakasi,
Virudhunagar District.

... Respondents/ Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent, against the order passed in W.P(MD)No.4835 of 2016, dated 01.04.2016.

Prayer in WP(MD). 4835/ 2016 :

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents No.4 and 6 to allow the



petitioner to open and run a Aavin Booth within the precincts of the N.R.K.R. Rajarathinam Government Hospital, Sivakasi so as to sell the Aavin Milk and milk products based on the Dealership order passed by the 4th respondent vide his proceedings in Na.Ka.293/Mkg-Agent/2015 dated 23.06.2015 within a stipulated period as prescribed by this Honourable Court.

For Appellant : Mr.S.M.Anantha Murugan

For Respondents : Mr.VR.Shanmuganathan,
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**)

This appeal is directed against the order passed in W.P(MD) No.4835 of 2016, dated 01.04.2016. The said writ petition was filed praying for a writ of Mandamus to direct the respondents 4 and 6 to allow the appellant/writ petitioner to open and run an Aavin Booth within the precincts of N.R.K.R.Rajarathinam Government Hospital, Sivakasi. The learned Single Judge dismissed the writ petition by taking note of the stand taken by the respondents that as per G.O.No.93, dated 25.03.2015, throughout the State of Tamil Nadu, except Government Tiffin Centres, all other private tiffin centres now functioning in the Government Hospitals have to be removed and no permission is given to run the private tiffin centres.

2. Admittedly, the appellant/writ petitioner has not challenged the said Government Order and the appellant/writ petitioner has no vested right to establish an Aavin Booth or a Tiffin Centre within the Government Hospital complex. Thus, the relief sought for by the appellant/writ petitioner was thoroughly misconceived and the learned Single Judge rightly dismissed the writ petition.

3. For the above reasons, we find no good grounds to interfere with the order passed by the learned Single Judge. Accordingly, the writ appeal fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To:

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RSB

PSM/SV-MMS/20.04.2017/3P/7C

W.A. (MD) No.371 of 2017
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