

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 24335 of 2018

Shanmugam Hospital &
Salem Cancer Institute,
rep. by its Managing Director

... Petitioner

Vs

The Commissioner,
Corporation of Salem,
Salem & District.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to return the illegally imposed fine amount for a sum of Rs.2,00,000/- (Rupees two lakhs only) and also to issue the fresh Sanitary Certificate to the petitioner's hospital, as per the representation dated 11.12.2017.

For Petitioner : Mr.M.Thamizhavel

For Respondent : Mrs.K.Bhuvaneswari,
Addl. Government Pleader

O R D E R

This Writ Petition has been filed seeking for a direction directing the respondent to refund a sum of Rs.2 lakhs towards fine amount collected from the petitioner.

2. The grievance of the petitioner is that, the petitioner is running hospital at Salem. Earlier, the respondent corporation imposed a fine of Rs.2 lakhs, on the ground that, some medical wastage were found place in the hospital. Challenging the above order, the petitioner earlier filed a Writ Petition, in W.P.No. 27875 of 2017, and this court by an order dated 01.11.2017, set aside the notice, on the ground that, the above notice has been issued without issuing any show cause notice to the petitioner. This Court has also set aside the fine amount imposed by the respondent, and directed the petitioner to submit his explanation within a period of 24 hours from the date of receipt of the copy of the order. According to the petitioner, immediately on receipt of the copy of the order, the

petitioner has sent representation along with relevant records, but, so far, no order has been passed by the respondent. Hence, he has filed the present Writ Petition.

3. The learned counsel appearing for the respondent would contend that now, the representation submitted by the petitioner is pending with the respondent, and suitable orders will be passed within a period of four weeks from the date of receipt of the copy of this order.

4. Considering the submissions made by the learned counsel appearing for the respondent, this Court is of the view that, it suffice to issue a direction, directing the respondent to conduct enquiry and pass suitable orders on merits and in accordance with law after giving opportunity to the petitioner within a period of four weeks from the date of receipt of the copy of this order.

5. With the above direction, the Writ Petition stands disposed of. No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

rpp
To

The Commissioner,
Corporation of Salem,
Salem & District.

+1 CC to Mr.K.Bhuvaneswari, Advocate sr 67876.
+1 CC to Mr.M.Thamizhavel, Advocate sr 67758.

VGII(CO)
SP(04/12/2018)

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