



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2018

CORAM:

WEB COPY

**THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

**W.A. [MD] .No.623 of 2018
and
C.M.P. (MD) No.3479 of 2018
in
W.P. [MD] .No.2085 of 2012**

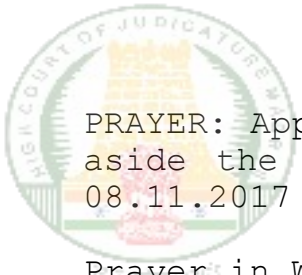
N.Selvam

.. Appellant/Petitioner

Vs.

- 1.The Government of Tamilnadu,
Represented by its Principal Secretary,
Department of Health and Family Welfare,
Fort St.George, Chennai - 9.
- 2.The Director,
Medical College Hospital Administration,
DME Office, Kilpauk,
Chennai - 600 010.
- 3.The Chief Engineer,
Public Works Department,
Chepauk, Chennai - 600 005.
- 4.The Executive Engineer,
Public Work Department,
Building Construction and
Maintenance Division,
Court Road, Thanjavur - 613 001.
- 5.The Assistant Engineer,
Public Work Department,
Building Construction and
Maintenance Division,
Thanjavur Medical College Hospital Campus,
Thanjavur - 613 004.
- 6.The Dean,
Thanjavur Medical College Hospital,
Thanjavur - 613 004,
Thanjavur District.

... Respondents/Respondents



PRAYER: Appeal is filed under Clause 15 of the Letters Patent to set aside the order of the learned single Judge of this Court, dated 08.11.2017 in W.P.(MD)No.2085 of 2012.

Prayer in WP(MD). 2085/ 2012 :

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Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of writ of Mandamus directing the Respondent NO.1 to pass appropriate orders for allotment of NAESEY Snack Kiosk Canteen with STD Booth in an extent of 25 x 15 (375 Sq.Ft) in the place within the 6th respondent Medical College Hospital Campus mentioned in the proceedings in Na.Ka.No.1269/Thi.va.2011 dated 19.04.2011 on the file of the Respondent No.6 within the time stipulated by this Hon ble Court.

For Appellant : Mr.S.Rajasekar

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader

JUDGEMENT

**[Judgement of the Court was delivered
by K.RAVICHANDRABAABU, J]**

This writ appeal is directed against the order of the learned single Judge in closing the writ petition by recording the submission of the learned Special Government Plader appearing for the respondents that nothing survives for adjudication in this matter.

2.Heard both sides.

3.The appellant/writ petitioner sought for allotment of NAESEY Snack Kiosk Canteen with STD Booth within the campus of the sixth respondent Medical College. Consequently, the petitioner has approached this Court and filed the writ petition seeking for a Mandamus for allotment of NAESEY Snack Kiosk Canteen with STD Booth, at the sixth respondent campus.

4.When the Writ Petition was taken up for disposal, the learned Special Government Pleader informed the Court that nothing survives for adjudication in this matter. Therefore, the learned Judge by recording the said submission, closed the writ petition. Now, it is contended before us by the appellant that the merits of the matter has not been gone into by the learned Judge while dismissing the writ petition, as the application filed by the petitioner before the first respondent, is still pending before the sixth respondent, without passing any order thereon. Therefore, it is submitted that the sixth respondent can be directed to pass orders on the petitioner's application.



5. On the other hand, the learned Additional Government Pleader appearing for the respondents submitted that the appellant is not entitled to get such allotment and therefore, the learned Judge was right in closing the writ petition.

6. We have heard both sides and perused the order passed by the learned Judge.

7. It is seen that the writ petition was disposed of simply by recording the submission made by the learned Special Government Pleader, without indicating as to on what reason the learned Special Government Pleader has stated as nothing survives for adjudication in this matter. In any event, as the application filed by the writ petitioner is said to be pending before the sixth respondent, it can be disposed of, on its own merits and in accordance with law, for which, there cannot be any impediment for the sixth respondent to do so. Therefore, we are of the view that the sixth respondent can dispose of the application filed by the petitioner on its own merits and in accordance with law, as we are not expressing any view on the merits of the claim made by the writ petitioner.

8. Accordingly, the order of the learned single Judge is set aside and consequently, the matter is remitted back to the sixth respondent for considering the application filed by the petitioner and pass orders on the same on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. We make it once again very clear that we are not expressing any view on the merits of the claim, as it is for the sixth respondent to consider and decide.

9. The writ appeal is disposed of accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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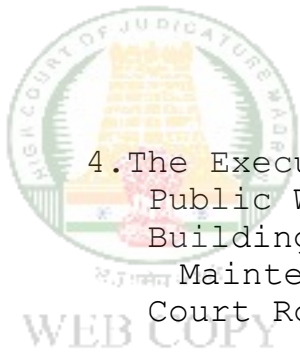
Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Department of Health and Family Welfare,
Fort St. George, Chennai - 9.

2. The Director,
Medical College Hospital Administration,
DME Office, Kilpauk,
Chennai - 600 010.

3. The Chief Engineer,
Public Works Department,
Chepauk, Chennai - 600 005.



4.The Executive Engineer,
Public Work Department,
Building Construction and
Maintenance Division,
Court Road, Thanjavur - 613 001.

5.The Assistant Engineer,
Public Work Department,
Building Construction and
Maintenance Division,
Thanjavur Medical College Hospital Campus,
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6.The Dean,
Thanjavur Medical College Hospital,
Thanjavur - 613 004,
Thanjavur District.

+1cc to Special Government Pleader, Sr.No.64108.

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C.M.P (MD) No.3479 of 2018
26.04.2018

rj2

RAM/JC/SAR 4/23.05.2018/4P/8C