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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.07.2018
CORAM
THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.14136 of 2018
and

WMP (MD) No.12819 of 2018

M.Chinthamani

... Petitioner

Vs.

1. The Director of Health and Rural Welfare,
O/o.The Director of Health and Rural Welfare,
Chennai.
2. The Joint Director of Health and Rural Welfare,
O/o.The Joint Director of Health and Rural Welfare,
Government Hospital Campus,
Tenkasi, Tirunelveli District.
3. The Executive Engineer,
Public Works Department,
Building and Maintenance,
Anna Nagar, Tirunelveli District.
4. The Assistant Executive Engineer,
Public Works Department,
Buildings (Construction and Maintenance) Section,
Medical Work, Tenkasi,
Tirunelveli District.

... Respondents

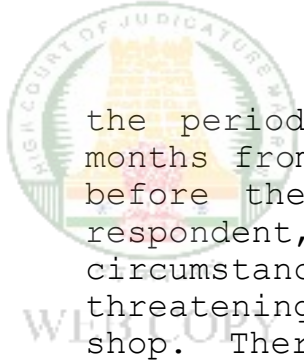
PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from evicting the petitioner from the NAESEY Kiosk shop situated at Government District Headquarter Hospital, Tenkasi Taluk, Tirunelveli District, without adopting due process of law.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.S.Nagarajan
Special Government Pleader

ORDER

Mr.S.Nagarajan, learned Special Government Pleader takes notice on behalf of the respondents. By consent, this writ petition is taken up for final disposal.

2. The petitioner is one of the members of National Association of Educated Self Employed Youth (NAESEY), registered under the Societies Act. He had installed NAESKY SNACK KIOSKS for vending snacks, tea, coffee. The petitioner applied for renewal of lease for



the period 01.07.2017 to 30.06.2018 on 28.04.2017, prior to two months from the date of expiry of the lease period I.e., 30.06.2017 before the second respondent and it was forwarded to the first respondent, which is pending with him for consideration. In these circumstances, the respondents 1 to 4, without any notice, is threatening to evict him from the premises by demolishing the said shop. Thereafter, the petitioner made a representation to the respondents not to evict him from the premises and the same is pending without consideration. Hence, the petitioner is before this Court.

3.Considering the above said facts, without going into the merits of the matter, the second respondent is directed to consider the petitioner's representation dated 28.06.2018 and pass appropriate orders on merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order. Till then, the respondents shall not take any coercive action.

4.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To:

1. The Director of Health and Rural Welfare,
O/o.The Director of Health and Rural Welfare,
Chennai.
2. The Joint Director of Health and Rural Welfare,
O/o.The Joint Director of Health and Rural Welfare,
Government Hospital Campus,Tenkasi, Tirunelveli District.
3. The Executive Engineer,Public Works Department,
Building and Maintenance, Anna Nagar, Tirunelveli District.
4. The Assistant Executive Engineer,
Public Works Department,
Buildings (Construction and Maintenance) Section,
Medical Work, Tenkasi, Tirunelveli District.

+1CC to Mr.T.Lajapathi Roy, Advocate, SR.No.71007

W.P. (MD) No.14136 of 2018
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ES/SV/SAR 2/19.07.2018/2P/6C

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