

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.16327 of 2018 & Cont.P.No.507 of 2019
in
W.M.P.Nos.19474 & 19475 of 2018

M.Bilal ..petitioner in WP & Cont.P
vs.

1.The District Collector,
Krishnagiri Distirct.
Pin - 635 115.

2.The Director,
Medical and Rural Health Services,
Chennai - 6.

3.The Joint Director,
Health Services,
Krishnagiri,
Krishnagiri District.

4.The Joint Director,
Medical and Rural Health Services,
Krishnagiri,
Krishnagiri District.

5.The Medical Superintendent,
Government Headquarters Medical Hospital,
Krishnagiri,
Krishnagiri District.

सत्यमेव जयते .. Respondents in WP.

vs

1.Dr.N.Rukmani, M.B.B.S, DGO,
Director,
Medical and Rural Health Services, Chennai - 6.

2.Mr.Ashok Kumar,
Joint Director,
Health Services,
Krishnagiri.

3.Paramasivam
Medical and Rural Health Services,
Krishnagiri.

4.Mr.Muthuraman,
Medical Superintendent,
Government Headquarters,
Krishnagiri

..Respondents in Cont.P.

Prayer in W.P.No.16327 of 2018: Writ Petition filed under Article 226 of The Constitution of India praying to issue writ of certiorarified mandamus, to quash the proceedings in Na.Ka.No.860/N3/2018 of 3rd respondent dated 21.05.2018 and consequently direct the 2nd respondent to permit the petitioner to run the Aavin milk vending booth in the premises of Head Quarters Hospital, Krishnagiri.

Prayer in Cont.P.No.507 of 2019: Contempt Petition filed under Section 11 of Contempt of Courts praying to punish the respondents under the relevant provisions of Contempt Courts Act, for wilfully, voluntarily and deliberately disobeying the orders passed by this Hon'ble Court in W.M.P.No.19475 of 2018 in W.P.No.16327 of 2018 dated 14/09/2018.

For Petitioner : Mr.K.Thiruvengadam

For Respondents: Mrs.P.Rajalakshmi,
Additional Government Pleader
..in WP & Cont.P.

COMMON ORDER

The writ petition had been filed in the nature of Certiorarified Mandamus to quash the proceedings in Na.Ka.No.860/N3/2018 of 3rd respondent, dated 21.05.2018 and direct the second respondent namely the Director, Medical and Rural Health Services, Chennai, to permit the petitioner to run the Aavin Milk vending booth in the premises of the 5th respondent namely the Medical Superintendent, Government Head Quarters Medical Hospital, Krishnagiri.

2. The petitioner M.Bilal, S/o.Mohamed, residing at No.33, Muthujahib Street, Palayapaettai, Krishnagiri Taluk, is physically challenged person. Since he has no proper income and his parents were also old, he had submitted application to run

Aavin milk vending booth in the hospital premises, Krishnagiri District. It was also stated that the third respondent had recommended that the permission can be granted, by letter dated 13.03.2018, Na.Ka.No.860/N3/2018. Subsequently, the Joint Director of Medical and Rural Health Services, Krishnagiri, the 4th respondent had also addressed a letter to the Managing Director (Aavin), at Krishnagiri by Letter dated 00.03.2018, Na.Ka.No.860/N3/2018, stating that there was only one canteen in the Krishnagiri Government Headquarters Hospital and which caters everyday to about 2500 out patients and 500 inpatients, along with 1000 patient attenders who are coming to hospital daily and also 700 staff. It was therefore, stated that permission can be granted to put up one Aavin Booth in the hospital premises. Based on such representation, without awaiting a formal order, the petitioner appears to have put up Aavin booth inside the premises of the 5th respondent. The impugned order was passed on 21.05.2018, whereby the third respondent in Na.Ka.No.860/N3/2018 had stated that the petitioner had been running the bunk shop, selling Aavin milk without any permission and therefore, the same should be removed. This was addressed to the Joint Director, Health Services, Krishnagiri. Challenging that order, the writ petition has been filed.

3. This Court had granted an interim order, in favour of the petitioner protecting his business. However, the respondents appear to have closed down the bunk shop and have removed the same. Therefore, he was constrained to file Contempt Petition No.507 of 2019. Pending the writ petition and also the contempt petition a further development took place namely on 08.01.2019, the licence which the petitioner had obtained for sale the of Aavin Milk licence was cancelled. This was by a letter dated 08.01.2019 in Na.Ka.No.2640/sale-2/2017. The petitioner is thus left high and dry as the licence of sale of Aavin milk has been cancelled and the bunk shop had also been removed. Therefore, the petitioner has to recommence the entire proceedings once again. He will have to challenge the cancellation of Aavin licence and later he would have to get permission for putting up either in the Hospital premises in Krishnagiri District or in any Government premises at Krishnagiri bunk shop after obtaining necessary orders in manner known to law from the appropriate authorities. As on date, the petitioner does not have licence to sell Aavin milk. Consequently, the relief sought for in the writ petition can never be granted. In view of the same, the writ petition is dismissed, however, giving opportunity to the petitioner as stated above, to challenge the order dated 08.01.2019 and challenge cancellation of his licence to sell

Aavin Milk products and thereafter, the petitioner will also have to proceed further to establish and put up a bunk shop.

4. With these observations, the writ petition stands dismissed. Since the writ petition is dismissed, the Contempt Petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

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- 4.The Joint Director,
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- 5.The Medical Superintendent,
Government Headquarters Medical Hospital,
Krishnagiri,
Krishnagiri District.
- 6.Dr.N.Rukmani, M.B.B.S, DGO,
Director,
Medical and Rural Health Services, Chennai - 6.

7.Mr.Ashok Kumar,
Joint Director,
Health Services,
Krishnagiri.

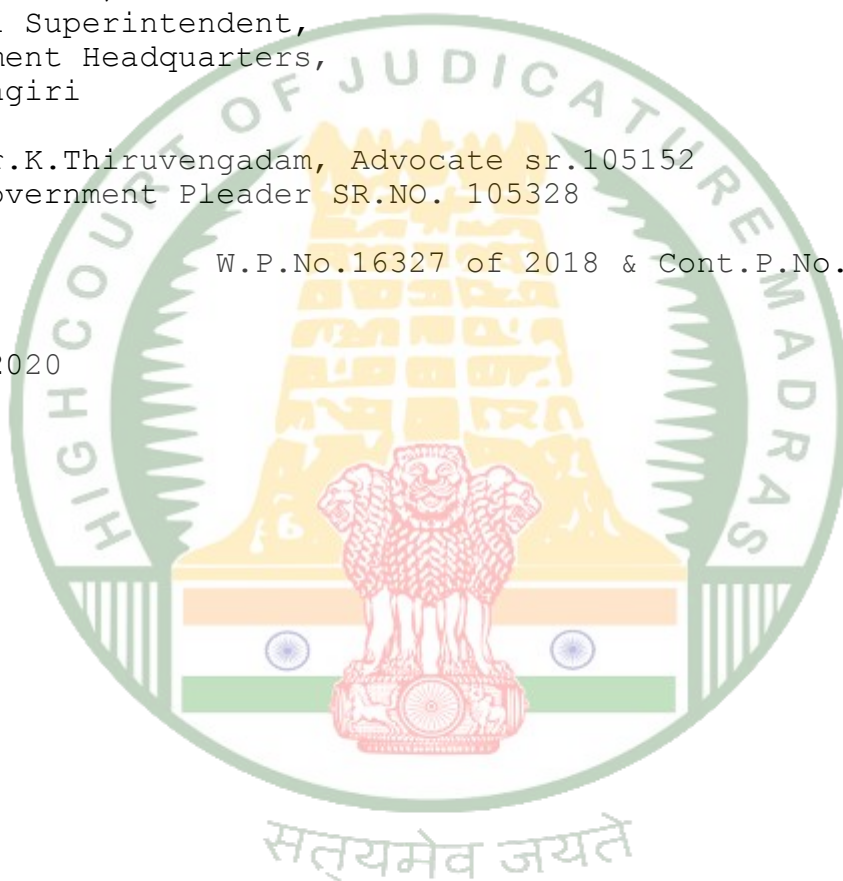
8.Paramasivam
Medical and Rural Health Services,
Krishnagiri.

9.Mr.Muthuraman,
Medical Superintendent,
Government Headquarters,
Krishnagiri

+1cc to Mr.K.Thiruvengadam, Advocate sr.105152
+1cc to Government Pleader SR.NO. 105328

W.P.No.16327 of 2018 & Cont.P.No.507 of 2019

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