

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :20.12.2019

Coram:

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Writ Petition No.17525 of 2019
and
W.M.P.No.17002 of 2019

V.B.Vignesh

.. Petitioner

/versus/

1.The Assistant Executive Engineer,
Public Works Department,
Construction and Maintenance Sub Division,
Medical Services,
Thiruvarur.

2.The Executive Engineer,
Public Works Department,
Construction and Maintenance Sub Division,
Medical Services,
Thiruvarur.

3.The Director of Medical Education,
Kilpauk, Chennai 10.

4.The Dean,
Government Medical College and Hospital,
Thiruvarur, Thiruvarur District.
(R3 and R4 are impleaded vide order dated
08/07/2019 made in W.M.P.No.19005/2019
in W.P.No.17525/2019 by PDAJ).

.. Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to allot a small portion of premises permanently in front of the Thiruvarur Medical College Hospital to the petitioner based on the permission letter given by the Dean, Government Medical College & Hospital, Tiruvarur dated 18.01.2019.

For Petitioner :Mr.K.Sannjay
For Respondents :Mr.N.Inbanathan, AGP

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus to direct the respondents to allot a small portion of premises permanently in front of the Thiruvarur Medical College and Hospital to the petitioner based on the permission letter given by the Dean, Government Medical College & Hospital, Tiruvarur dated 18.01.2019.

2. The petitioner had taken out the premises on auction in the year 2001 on monthly rent to run a canteen at Thiruvarur Medical College and Hospital in the name and style of "VVR Canteen". The said canteen is functioning on the rear side of the College Hospital. To the extent of information furnished to this Court there is no complaint as against the functioning of the said canteen. At some point, the petitioner was also permitted to put up a temporary bunk shop to sell the products, which are already selling in the canteen and with further permission to the petitioner to put up the said bunk shop in front of the hospital.

3. It is stated by the petitioner that he is also paying the electricity charges, water charges and other rent including G.S.T. It is also stated by the petitioner that the 4th respondent, who had been impleaded by order of this Court dated 08.07.2019 made in W.M.P.No.19005 of 2019 in W.P.No.17525 of 2019, had given a tacit permission to the petitioner to run a bunk shop temporarily in front of the hospital. However, the permission to put up the bunk shop in front of the hospital was cancelled by the 2nd respondent namely, the Executive Engineer, Public Works Department, Construction and Maintenance Sub Division, Medical Services, Thiruvarur. In this connection, the petitioner has filed the present writ petition in the nature of the Mandamus seeking a direction to run the bunk shop in front of the hospital premises.

4. The learned counsel appearing for the petitioner places reliance on communication issued by the 4th respondent, who had been impleaded namely, the Dean of the Government Medical College and Hospital, Thiruvarur. The said communication dated 02.07.2019, has been addressed to the Special Chief Engineer, Public Works Department, (Construction and Maintenance) Division, Medical Services at Trichy, which has been produced during the hearing today to this Court states that they have no objection for VVR canteen to put a bunk shop in front of the hospital on condition that it should be put up at the expenses of the petitioner herein.

5. The learned counsel appearing for the petitioner also stated that he would bear the expenses for putting up the bunk shop in front of the hospital. However, the bunk shop can remain in place only so long as the lease in favour of the petitioner exists. The lease of the permission to run the canteen will cease on expiry of the lease period and on such expiry, the petitioner may have the liberty to seek renewal of the lease or to participate on any fresh lease agreement. Such situation will arise only in the year 2021. Till that period, the petitioner is permitted by order of this Court to put up a bunk shop temporarily on his own expenses in front of the hospital and in the very same place for which he was given permission.

6. It is made clear that this concession is granted as a special case, since the petitioner has already a canteen in the rear side of the hospital and also had permission to put up a bunk shop in the front side of the hospital, which permission was cancelled by the 2nd respondent without notice to the petitioner. Since the petitioner is having a canteen at the rear side of the hospital, the petitioner is permitted to put up a temporary bunk shop in front of the hospital, to facilitate the in-patients of the hospital and the general public, who come to the hospital.

7. With the above observation, the writ petition is disposed of. No costs. consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

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To:

1.The Assistant Executive Engineer,
Public Works Department,
Construction and Maintenance Sub Division,
Medical Services,
Thiruvavarur.

2.The Executive Engineer,
Public Works Department,
Construction and Maintenance Sub Division,
Medical Services,
Thiruvavarur.

3.The Director of Medical Education,
Kilpauk, Chennai 10.

4.The Dean,
Government Medical College and Hospital,
Thiruvarur, Thiruvarur District.

+1cc to Mr.K.Sannjay, Advocate, SR.No.106315.
+1cc to Government Pleader, SR.No.106765.

W.P.No.17525 of 2019
and
W.M.P.No.17002 of 2019

BR(CO)
CSR: 29/01/2020