

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 32304 of 2018

A.Venkatesh

... Petitioner

-Vs-

1. The Health and Family Welfare Department,
Represented by its Principal Secretary,
Fort St. George,
Chennai - 600 009.
2. The Directorate of Medical Education,
Represented by its Director,
Kilpauk, Chennai - 600 010.
3. Tamil Nadu Tea Plantation Corporation Limited,
Represented by its Director,
TANTEA Complex,
Coonoor,
The Nilgiris District - 643 101. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for entire records in pursuant to the rejection order issued by the Second Respondent vide Ref. No. 82842/P&DI/2/2017 dated 29.06.2018 to the Petitioner and quash the same with a consequential direction to the Second Respondent to allot a suitable space to the Petitioner in pursuant to his representation dated 15.02.2017 within a stipulated time.

For Petitioner : Mr. T.P. Prabakaran

For Respondents : Mr. R.Venkatesh

Government Advocate for R1 & R2

Mr.Thangavadhana Balakrishnan

Additional Government Pleader (Forest)
for R3

ORDER

The Writ Petition has been filed challenging the order Ref. No. 82842/P&DI/2/2017 dated 29.06.2018 issued by the Second Respondent and consequently direct the Second Respondent to allot suitable space to the Petitioner in pursuance of the representation dated 15.02.2017 made by him.

2. This Court during the hearing on 02.08.2019, has passed the following order:-

"The Third Respondent shall file Counter Affidavit explaining as to whether the Petitioner is a whole-sale dealer and is entitled to run the outlet in the premises of the First Respondent."

3. Learned Government Advocate appearing for the First and Second Respondents, on instructions, states that the Petitioner is no more a wholesale dealer of TANTEA. It is further contended that as per G.O. (Ms) No. 93, Health and Family Welfare Department dated 25.03.2015 issued by the Government of Tamil Nadu, all the stalls allotted in the Government Hospitals to individuals and private entities have been ordered to be vacated. In such circumstances, question of granting permission to allot space to the Petitioner to put up a stall for TANTEA in the premises of the Government Hospital cannot arise.

4. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary,
The Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.
2. The Director,
The Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
3. The Director,
Tamil Nadu Tea Plantation Corporation Limited,
TANTEA Complex, Coonoor,
The Nilgiris District - 643 101.

+1 cc to M/s.T.P.Prabakaran, Advocate Sr.No. 69516

+1 cc to The Government Pleader SR.No.69728

AKM/13.09.19/2P-6C /

W.P. No. 32304 of 2018