



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A(MD)NO.632 OF 2019

Dr.S.Jeyam

:Appellant/Petitioner

.vs.

- 1.The Joint Director of Health Services,
Government of Tamil Nadu,
Usilampatty,
Madurai District.
- 2.The Director of Medical and Rural Health
Services,
Thenampet,
Chennai - 600 006.
- 3.The Secretary,
Ministry of Health and Family Planning,
Government of Tamil Nadu,
Secretariat Buildings,
Chennai -9.

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.20845 of 2018, dated 04.10.2018.

Prayer in WP(MD) . 20845/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the Respondents to set aside the impugned order dated 14.07.2005 of withholding rental amount to the residential quarter unoccupied by the petitioner and to release the withheld amount of Rs.1,09,786/- towards house rent with due interest upto date to the petitioner.

For Appellant

:Mr.N.S.Ponnaiah

[https://hcservices.ecourts.gov.in/hcse/Pages/1 to 3](https://hcservices.ecourts.gov.in/hcse/Pages/1%20to%203.aspx)

:Mr.M.Karuppasamy
Government Advocate

**JUDGMENT**

[Judgment of the Court was made by **SENTHILKUMAR RAMAMOORTHY, J.**]

Aggrieved by the order, dated 4.10.2018 in W.P(MD)No.20845 of 2018, whereby the Writ Petition filed by the appellant herein seeking a Writ of Mandamus directing the respondents to set aside the impugned order, dated 14.07.2005 to withhold the rental amount for the residential quarters unoccupied by the Petitioner/appellant and to release the withheld amount of Rs.1,09,786/- towards House Rent, was dismissed, this Writ Appeal is filed.

2.The case of the appellant is that the residential quarters attached to the Government Hospital at Melur was in a dilapidated condition and, therefore, the appellant did not occupy the said quarters. It is further stated that the appellant sent several letters on 31.03.1999, 19.12.2000, 7.7.2003, 15.7.2003, 7.11.2003 and 5.1.2004 to the higher authorities to take steps to repair the quarters attached to the Government Hospital at Melur. But no action was taken in that regard. Therefore, the appellant did not occupy the said quarters.

3.Heard the learned counsel appearing for the appellant and the learned Government Advocate appearing for the respondents.

4.The learned counsel appearing for the Petitioner submitted that several representations were given by the appellant, including those cited above. In addition, he submitted that the appellant had also issued a letter under Right to Information Act on 6.8.2018 and that therefore, the Writ petition was not liable to be dismissed on the ground of laches.

5.We have carefully considered the said submission.

6.We find from the affidavit filed in support of the Writ Petition that the Writ Petitioner had voluntarily retired from service w.e.f. 31.12.2002. We further find that the impugned order was issued on 14.7.2005, whereas, the Writ Petition has been filed only in the year 2018.

7.This Writ Petition has been filed about 13 years after the issuance of the impugned order and there is no explanation at all for the delay in the affidavit filed in support of the Writ Petition. In this regard, it is pertinent to note that even as per the affidavit filed in support of the Writ Petition, the last letter sent by the appellant is on 5.1.2004 and, thereafter, there appears to be no correspondence from the year 2004 to 2018, except for the Right to Information Act communication referred to supra. Accordingly, We are of the view that there is no infirmity in the impugned order in W.P(MD)No20845 of 2018 whereby the Writ Petition was dismissed on the ground of laches.



8. In the result, the Writ Appeal is liable to be dismissed and accordingly, the same is dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

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Government of Tamil Nadu,
Secretariat Buildings,
Chennai -9.

+1 CC to SPL GP SR-70646.

+1 CC to Mr.N.S.PONNAIAH, Advocate SR-70749.

JUDGEMENT MADE IN
W.A(MD) No. 632 of 2019
20.06.2019

CS: 11/07/2019 3P 6C