



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 26.08.2019

CORAM:

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

W.P. (MD)No.3351 of 2015

WEB COPY

K.Xavier

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Public Welfare Department,
Secretariat,
Chennai.

2.The Director of Medical Education,
Kilpauk,
Chennai - 5.

3.The Government Medical College Hospital,
Rep.by its Dean,
Goripalayam,
Madurai District.

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission to have an Aavin booth at the 3rd respondent premises by considering the petitioner's representation dated 02.01.2015 within a time frame that may be stipulated by this Court without reference to G.O.Ms.No.93, dated 25.03.2015.

(Prayer amended vide Court order dt.14.02.2017 in WMP(MD)No.6170 of 2016)

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.M.Murugan, G.A.

O R D E R

The prayer sought for in this Writ petition is for a Writ of Mandamus, directing the respondents to grant permission to have an Aavin booth at the 3rd respondent premises by considering the petitioner's representation dated 02.01.2015 within a time frame to be stipulated by this Court, without reference to G.O.Ms.No.93, dated 25.03.2015.

2.Heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.



3.The petitioner, in order to establish an Aavin booth within the Government Medical College Hospital, Madurai, ie., Rajaji Government Medical College Hospital, Madurai, had made a representation / application to the 3rd respondent on 02.01.2015. The said representation / application had been forwarded by the 3rd respondent to the 2nd respondent. In this regard, it is the submission of the learned counsel for the petitioner that, the petitioner has been making representations right from 2010 and one such representation made on 01.12.2010 and subsequent representations made in the year 2011 had been considered and in the year 2014 itself those representations had been forwarded to the 2nd respondent by the 3rd respondent for consideration. However, so far the 2nd respondent seems to have not considered the same. Therefore, the latest representation / application dated 02.01.2015 filed by the petitioner also since has not been considered either by the 3rd respondent or by the 2nd respondent, the petitioner is before this Court. Hence, the learned counsel for the petitioner submits that, if the said representations are directed to be considered by the respondents especially, the respondents 2 and 3 and orders are passed on merits, within a time frame to be stipulated by this Court, the petitioner would be satisfied.

4.Heard the learned Government Advocate appearing for the respondents, who would submit that since the representations submitted by the petitioner periodically have been under consideration, the last such representation claimed to have been filed by the petitioner dated 02.01.2015 would be considered on merits.

5.In this context, the learned Government Advocate would also submit that, the earlier representation submitted in the year 2010 by the petitioner to the 3rd respondent had been forwarded with a recommendation made by the District Cooperative Milk Producers Union Ltd., Madurai on 04.10.2010. Therefore, the representations of the petitioner would be considered within a time frame to be stipulated by this Court by taking into account the recommendation made by the said authority and final orders would be passed thereon.

6.Having regard to the said submission made by the learned counsel appearing for both sides and taking into account the factual matrix, this Court is inclined to dispose of this Writ petition with the following direction:

That the respondents especially, the respondents 2 and 3 shall consider the representations of the petitioner dated 01.12.2010, 07.2014 and lastly on 02.01.2015 by taking into



account the recommendation made by the District Cooperative Milk Producers Union Ltd., Madurai and decide the same on merits and in accordance with law, with regard to the plea of the petitioner to establish a milk vending booth within the premises of the third respondent and final orders to that effect shall be passed by the respondents especially, respondents 2 and 3, within a period of 6 weeks from the date of receipt of a copy of this order.

7. With this direction, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

nbj

To

1. The Secretary to Government of Tamil Nadu,
Public Welfare Department,
Secretariat,
Chennai.

2. The Director of Medical Education,
Kilpauk,
Chennai - 5.

3. The Government Medical College Hospital,
Rep. by its Dean,
Goripalayam,
Madurai District.

4. The District Co operative Milk Producers
Union Limited, Madurai

+1 CC to Mr. SPL GP (SR-83558[F] dated 27/08/2019)

+1 CC to Mr. S.C. HEROLD SINGH, Advocate (SR-83798[F] dated 28/08/2019)

W. P. (MD) No. 3351 of 2015
26.08.2019

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