

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.20295 of 2012

K.Veerappan

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Petitioner

Vs

1. The State of Tamil Nadu
rep. By the Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai - 600 009.

2. The Director,
Health and Rural Development,
No.359, Anna Salai,
DMS Complex,
Teynampet,
Chennai - 600 006.

3. The Assistant Director,
Health Department,
Thiruvallur.

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for records in the order bearing No.O.Mu.No.17128/thiva1/5/2012, dated 30.3.2012 passed by respondent No.2 and quashing the same, and directing the respondents to consider the representation dated 20.01.2012 of the petitioner in accordance with law for grant of permission to run a tea-stall in Tiruvallur Government Hospital Complex.

For petitioner : Mr.M.Radhakrishnan

For respondents : Mrs.K.Bhuvaneswari
Additional Government Pleader
R1 to R3

ORDER

This writ petition has been filed challenging the order dated 30.03.2012 passed by the second respondent, rejecting the request made by the petitioner for grant of permission to run a Tea stall in lieu of the telephone booth, which he was occupying, earlier.

2. According to the petitioner, originally he was accorded permission to run a telephone booth in Tiruvallur Government Hospital, and a space was allotted by the second respondent. It is his case that he was operating the same for almost three years. Thereafter, due to the advent of the cellular phones, the said telephone booth was closed in the year 2007. Subsequently, he made a request in his representation dated 20.01.2012 to the second respondent requesting for allotment of a space for the purpose of running a Tea shop. By the impugned order dated 30.03.2012, the second respondent rejected the request on the ground that there is a Tea shop existing in the same campus. Aggrieved by the same, this writ petition has been filed.

3. Heard Mr.M.Radhakrishnan, learned counsel for the petitioner and Mrs.K.Bhuvaneshwari, learned Additional Government Pleader for respondents.

4. The learned Additional Government Pleader for respondents drew the attention of this Court to paragraphs Nos. 6 and 7 of their counter affidavit, wherein, G.O. Ms.No.59, dated 20.03.2003 has been referred to. According to her, as per the said G.O., space can be allotted only for a telephone booth and Aavin milk parlour, but there is no provision to grant new tea stall to the petitioner. Further, the claim of the petitioner is that similarly placed persons as that of the petitioner was allotted a space at Thanjavur Government Medical College Hospital premises for running a Tea stall. According to her, that was in a different locality, whereas, the petitioner is seeking for a space at Tiruvallur Government Hospital, where there was no place to run the Tea stall. It is their case that allotment of space depends on the locality and the requirements for the said locality. According to her, the respondents have duly considered the request made by the petitioner and have rightly rejected the said request.

5. This Court is in agreement with the submissions made by the learned Additional Government Pleader appearing for the respondents. Accordingly, there is no merit in this writ petition and the writ petition stands dismissed. However, liberty is granted to the petitioner to make a fresh representation, considering the fact that the petitioner is a

visually challenged person seeking for an allotment of a space in and around Tiruvallur with the respondents. No costs.

Sd/-
Assistant Registrar (CS-I)

//True copy//

Sub Assistant Registrar

vsi2

To

1. The Principal Secretary to Government,
State of Tamil Nadu
Health and Family Welfare Department,
Secretariat,
Chennai - 600 009.

2. The Director,
Health and Rural Development,
No.359, Anna Salai,
DMS Complex,
Teynampet,
Chennai - 600 006.

3. The Assistant Director,
Health Department,
Thiruvallur.

+1cc to Mr.M.Radhakrishnan, Advocate SR.No.12296

+1cc to Government Pleader SR.No.13083

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NMI (CO)
GMY (16/03/2020)

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