

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2021

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.3683 of 2021

V.Balakrishnan

... Petitioner

Vs

- 1.The Director,
The Directorate of Medical and Rural Health Services,
DMS, Tenampet,
Chennai - 600 006.
 - 2.The Hospital Superintendent,
District Government Hospital,
Pollachi.
 - 3.The General Manager,
Coimbatore District Cooperative Milk Producers Union Ltd.,
Pachapalayam,
Kalampalayam Post, Perur via,
Coimbatore - 641 010.
 - 4.The Executive Engineer, PWD,
Buildings (C&M) Division,
Medical Service, Tiruppur.
 - 5.The Joint Director,
Medical and Rural Health Service,
Coimbatore, Coimbatore District.
- ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the fifth respondent to consider the petitioner's representation dated 04.02.2021 and renew the Aavin Parlour license to the petitioner to run the same in the second respondent's premises.

For petitioner ... Mr.S.Nagarajan
For Respondents 1, 2 & 5 ... Mr.V.Shanmuga Sundar,
Special Government Pleader

For Respondents 3 & 4 ... Mr.D.Venkatesan,
Government Advocate

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the fifth respondent to consider the petitioner's representation dated 04.02.2021 seeking for renewal of his Aavin Parlour license to enable him to run the same in the second respondent premises.

2. Mr.V.Shanmuga Sundar, learned Special Government Pleader accepts notice on behalf of the respondents 1, 2 & 5 and Mr.D.Venkatesan, learned Government Advocate accepts notice on behalf of the respondents 3 & 4.

3. It is the case of the petitioner that the third respondent has already granted license to the petitioner to run a Aavin Parlour in the second respondent premises. However according to him, since the fifth respondent has not granted permission till date to run the Aavin Parlour in the second respondent premises, he is unable to run the Aavin Parlour. According to him, he gave a representation on 04.02.2021 to the fifth respondent requesting him to renew the license of the petitioner for running the existing Aavin Parlour in the second respondent premises. According to him, despite the said representation, the fifth respondent has not granted the same till date. In such circumstances, this writ petition has been filed.

4. Heard Mr.S.Nagarajan, learned counsel for the petitioner, Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents 1, 2 & 5 and Mr.D.Venkatesan, learned Government Advocate for the respondents 3 & 4.

5. The relief sought for in this writ petition is an innocuous one. The petitioner is running a Aavin Parlour in the second respondent premises and his period of licence came to an end. He has already obtained renewal of his license from the third respondent. However, the fifth respondent who controls the second respondent hospital has not granted renewal of the petitioner's license till date. The petitioner has sought for renewal of his license from the fifth respondent in his representation dated 04.02.2021.

6. No prejudice will be caused to the respondents, if the petitioner's representation for renewal of his license is considered on merits and in accordance with law within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the fifth respondent to consider the petitioner's representation dated 04.02.2021 seeking for renewal of his Aavin Parlour license in the second respondent hospital premises and pass final orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Director,
The Directorate of Medical and Rural Health Services,
DMS, Tenampet,
Chennai - 600 006.
- 2.The Hospital Superintendent,
District Government Hospital,
Pollachi.
- 3.The General Manager,
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Kalampalayam Post, Perur via,
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- 4.The Executive Engineer, PWD,
Buildings (C&M) Division,
Medical Service, Tiruppur.
- 5.The Joint Director,
Medical and Rural Health Service,
Coimbatore, Coimbatore District.

+lcc to Mr.S.Nagarajan, Advocate Sr.10851

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srg 15/03/2021