



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P. No.15881 of 2021

and

W.M.P. No. 16780 of 2021

Gopal Radha

..Petitioner

Versus

1. The Director of Medical Services,
DMS Compound, Teynampet,
Chennai-18.
2. The Executive Engineer,
Building (Construction and Maintenance)
Division, Public Works Department,
Cuddalore-1.
3. The Assistant Engineer,
Building (Construction and Maintenance),
Division, Public Works Department,
Medical Services, Chidambaram,
Cuddalore District.
4. The Chief Medical Officer,
Government Kamaraj Hopital,
Chidambaram
Cuddalore District.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to issue necessary permission to the petitioner for running STD booth at Government Kamaraj Hospital, Chidambaram, Cuddalore District by taking note of the 3rd respondent communication in Letter No.Ko.39/ 2014/ A.e. (ma.pa)/ Chidambaram, Cuddalore District dated 29.5.2015.

For Petitioner : Mr. C. Prakasam

For Respondents : Mr.Stalin Abimanyu
Govt. Advocate



ORDER

The prayer made in this writ petition is to direct the respondents to issue necessary permission to the petitioner for running STD booth at Government Kamaraj Hospital, Chidambaram, Cuddalore District by taking note of the communication dated 29.05.2015 of the third respondent.

2. It is stated that the petitioner retired from Indian Military Service and after his retirement, he worked in the STD Booth run by one Balasubramaniam, a licensee to run the STD Booth in the Government Kamaraj Hospital, Chidambaram. According to the petitioner, the said Balasubramaniam had entrusted the STD Booth to him and had taken up agricultural activities. The petitioner therefore approached the respondents to transfer the licence in his name so as to enable him to lawfully run the STD Booth business. It is stated that the Assistant Director, Ex-Serviceman Welfare Department also sent a communication to the second respondent on 26.05.2015 and recommended to consider the application of the petitioner for issuing licence in his name to run the STD Booth. Based on the communication dated 26.05.2015, the third respondent in his communication dated 29.05.2015 is stated to have directed the fourth respondent to get permission from the first respondent inter alia to fix rent for the STD Booth so that licence can be issued to the petitioner. According to the petitioner, he waited for appropriate orders to be passed on his application, but no order has been passed. At this stage, the first respondent passed an order directing the licensee Balasubramaniam to vacate and handover the STD Booth, which was in continuous occupation by the petitioner. Therefore, the said Balasubramaniam filed WP No. 13007 of 2019 in which this Court granted an order of interim injunction. However, when the writ petition was taken up for final hearing on 27.04.2019, it was dismissed as withdrawn.

3. The grievance of the petitioner is that he is continuously running the STD Booth from the year 2012, which is the only source for his livelihood. Further, the petitioner had a legitimate expectation that the respondents would issue licence in his favour on the strength of the communication dated 29.05.2015 of the third respondent. However, so far, licence was not issued to the petitioner and therefore, he has filed this writ petition for issuing a Mandamus.

4. Heard the counsel for both sides and perused the materials placed on record. It is claimed that the petitioner is running the STD Booth from 2012, within the premises of the Government Kamaraj Hospital, Chidambaram and it is his only source for livelihood. On 29.05.2015, the third respondent also



sent a communication recommending to consider the application of the petitioner for issuance of licence in his favour for running the STD Booth. It is also seen from the typed set of papers that the petitioner had sent a representation dated 04.01.2021 to the respondents seeking consideration of his claim for issuing a licence in his name, but no order is passed thereon. Therefore, without going into merits of the case, the fourth respondent is directed to consider the claim of the petitioner, in the light of the communication sent by the 3rd respondent on 29.05.2015 as well as the representation dated 04.01.2021 of the petitioner and pass orders thereon on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msr/rsh

To

1. The Director of Medical Services,
DMS Compound, Teynampet, Chennai-18.
2. The Executive Engineer,
Building (Construction and Maintenance)
Division, Public Works Department,
Cuddalore-1.
3. The Assistant Engineer,
Building (Construction and Maintenance),
Division, Public Works Department,
Medical Services, Chidambaram,
Cuddalore District.
4. The Chief Medical Officer,
Government Kamaraj Hospital,
Chidambaram, Cuddalore District.

+1cc to the Government Pleader, S.R.No.37400

WP No. 15881 of 2021

VG-II(CO)
RGA(16/09/2021)