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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.24668 of 2021

and

W.M.P.Nos.25960 & 25961 of 2021

A. Rajamani

.. Petitioner

Versus

1. The Director of Medical & Rural
Health Service, 3rd Floor,
DMS Complex, Anna Salai,
Teynampet,
Chennai - 600 018.

2. The Dean,
Govt Medical College Hospital,
Tiruppur & District.

3. The Assistant Executive Engineer,
Public Works Department (Medical Services),
Tiruppur,
Tiruppur District - 641 603.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the entire records connected with the proceedings of the impugned order passed by the third respondent and quash the same, consequently direct the respondents to permit the petitioner to run the kiosk in the 2nd respondent premises either in the same place or by providing an alternative place in the 2nd Respondent's premises.

For Petitioner : Mr. K. Thilageswaran

For Respondents : Mr. M.R. Gokulkrishnan
Government Advocate for R1



O R D E R

This writ petition has been filed challenging the impugned order and consequently, to direct the respondents to permit the petitioner to run the kiosk in the 2nd respondent premises either in the same place or by providing an alternative place in the 2nd Respondent's premises.

2. The brief facts of the case are as follows:

(i) The petitioner is a destitute widow and also a member of the registered Association viz., National Association of Educated Self Employed Youth (NAESEY). With the help of the said Association, She was running NAESEY Snacks Kiosks for vending Snacks, Tea & Coffee at the premises of the second respondent from 14.12.2000 and it has been renewed periodically.

(ii) while matter stood thus, all of a sudden, by way of the impugned order passed by the third respondent, she was asked to vacate the said Kiosk within seven days with a vague allegation that the said Kiosk would obstruct the construction of the new Medical College building.

(iii) According to the petitioner, she being a widow, has no other livelihood except the income derived from the said Kiosk. The petitioner states that without taking into consideration the livelihood of the petitioner and without giving sufficient time, the third respondent has passed the impugned order. Being aggrieved by the same, the petitioner is before this Court with the above prayer by way of this writ petition.

3. Heard Mr.K.Thilageswaran, learned counsel for the petitioner and Mr.M.R.Gokulkrishnan, learned Government Advocate for the first respondent and perused the materials placed on record.

4. Considering the facts and circumstances of the case and also having regard to the submissions made by the Learned Counsel appearing on either side, this Court directs the petitioner to submit a fresh representation to the respondent concerned for allotment alternative shop within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the respondent concerned is directed to dispose of the representation to be submitted by the petitioner, within a period of four weeks thereafter.



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5. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Rli

To

1. The Director of Medical & Rural
Health Service, 3rd Floor,
DMS Complex, Anna Salai,
Teynampet, Chennai - 600 018.
2. The Dean,
Govt Medical College Hospital,
Tiruppur & District.
3. The Assistant Executive Engineer,
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+1cc to Government Pleader, Sr.No. 59770

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KSM(CO)
GN(17/12/2021)