



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2022

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD)No.1974 of 2012

and MP (MD)No.1 of 2012

WEB COPY

K.S. Muthu

... Petitioner

Vs

1. The District Collector,
Office of the District Collector,
Madurai.

2. The Dean,
The Government Rajaji Hospital,
Madurai.

3. The Medical Superintendent,
Government Rajaji Hospital,
Madurai.

4. The Assistant Engineer,
PWD Department,
Government Rajaji Hospital,
Madurai.

... Respondents

PRAYER: -Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Order passed by the second respondent in his proceedings in Oo.Mu.No.00823/Ni4/3/11, dated 12.01.2012 and quash the same and consequently directing the second respondent to re-allot and permit the petitioner to run a small bunk shop (8X8) nearby mortuary at Government Rajaji Hospital, Madurai.

For Petitioner : Mr. Ramsundarvijayan

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

The present writ petition has been filed seeking to quash the order of the District Collector in Oo.Mu.No.00823/Ni4/3/11 dated 12.01.2012, under which, the request of the petitioner to continue his shop inside the Government Rajaji Hospital, Madurai, was rejected, citing certain allegations as against the writ petitioner. One of the serious allegation as against the writ petitioner is that he has tampered with the water pipe connection, that was connected



to the operation theatre. An FIR was also registered in this regard.

2.The learned counsel appearing for the petitioner has submitted that he has been acquitted from the said case and hence order of rejection, dated 12.01.2012 cannot stand against the petitioner.

3.However, the learned Government Advocate appearing for the respondents has pointed out several allegations as against the writ petitioner, while he was handling the shop. Due to his misconduct and misbehaviour, he was not permitted to continue with the shop.

4.In view of the fact that the petitioner has been acquitted in the criminal case, which was cited as one of the reason for rejecting his request, the petitioner is at liberty to give a fresh application to run the shop inside the Government Rajaji Hospital. The first respondent / District Collector, Madurai is directed to consider the same on merits and in accordance with law, if such application is filed. It shall not be construed that this Court has given a positive direction in favour of the writ petitioner.

5.With the above observation and direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

PNM

To

1. The District Collector,
Office of the District Collector,
Madurai.

2. The Dean,
The Government Rajaji Hospital,
Madurai.

3. The Medical Superintendent,
Government Rajaji Hospital,
Madurai.



4. The Assistant Engineer,
PWD Department,
Government Rajaji Hospital,
Madurai.

WEB COPY

+1 CC to M/s.SPL.GP (SR-25881[F] dated 15/06/2022)

W.P. (MD)No.1974 of 2012
and MP (MD)No.1 of 2012
Date : 14.06.2022

RD(23.06.2022) 3P 6C