



W.P.(MD).No.6034 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.6034 of 2013

National Association of Educated
Self Employed Youth ref.222/76,
Rep.by the General Secretary,
S.Ganesh Bose,
S/o.R.Subbiah,
21/10, Srinivasaperumal 1st St.,
Royapettah, Chennai-14.

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep.by its Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai.
- 2.The Director of Medical Education,
Chennai-5.
- 3.The Director of Medical Service
and Family Welfare,
Chennai-6.



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4.The Chief Engineer,
Public Works Department,
Chepauk, Chennai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to reopen 57 kiosks mentioned in the list enclosed along with the petitioner's representation dated 03.10.2011 which were already closed within the time frame as fixed by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

The present Writ Petition has been filed seeking a writ of Mandamus, directing the respondents to reopen 57 Kiosks mentioned in the list enclosed along with the petitioner's representation, dated 03.10.2011, which were already closed by the respondents.



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2. According to the learned counsel appearing for the petitioner, out of 116 Kiosks of NAESEY, 47 Kiosks are located in various Districts within the hospital premises. Under G.O.(Ms).No.1508, dated 22.08.1979, the Association had allotted places for its members to run Kiosks in the Government Head Quarters Hospitals and Medical College Hospitals in various places in the State of Tamil Nadu. Thereafter, the Government had taken steps to remove Kiosks within the hospital premises. The said issue was challenged by the Association. The Hon'ble Supreme Court in C.A.No.1710 of 1987, dated 21.02.1997 has accepted the stand of the Government that they are removing the bunks only to prevent health hazard and in the interest of smooth and unobstructed flow of traffic. Before the Hon'ble Supreme Court of India, the Government of Tamil Nadu has taken a stand that the places from which the Kiosks were removed will not be allotted to any other person. Based upon such undertaking, the Civil Appeals filed by the members of the NAESEY were dismissed upholding the power of the Government to evict them.



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3. The present Writ Petition has been filed seeking a Mandamus, directing the respondents to reopen the said Kiosks on the ground that the places which were originally occupied by the members of the NAESEY, have been granted to some other persons.

4. The learned counsel appearing for the respondents has pointed out that the Government has chosen to pass G.O.(Ms).No.194, dated 21.06.2022, under which, it has been made mandatory that any milk booth or tea shops or canteens can be allotted only by way of tenders and not by way of special allotment to any Association.

5. The learned counsel appearing for the petitioner submits that in view of new Government Order in G.O.(Ms).No.194, he may be permitted to withdraw this writ petition with liberty to challenge the present Government Order.



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6. In view of the submission made by the learned counsel appearing for the petitioner, the petitioner is permitted to withdraw the present writ petition preserving his liberty to challenge G.O.(Ms).No. 194, dated 21.06.2022.

7. With these observations, this Writ Petition is disposed of .

No costs.

01.08.2022

Index : Yes / No
Internet : Yes / No
ssb



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R.VIJAYAKUMAR ,J.

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Order made in
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