



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2022

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WEB COPY

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.2094 of 2022
and W.M.P. (MD).No.1795 of 2022

N.Balaji

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
rep. by its Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai.
- 2.The Director of Medical Education,
O/o.Director of Medical Education,
Chennai - 600 010.
- 3.The Executive Engineer,
Public Works Department,
Construction and Maintenance Division,
Medical Services,
Thallakulam,
Madurai.
- 4.The Dean,
Government Rajaji Hospital,
Madurai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 3rd respondent in Letter No.14M/ஊ-இவஅ-கோ/Rent/2021, dated 13.01.2022 (Served to the petitioner on 22.01.2022) and quash the same as illegal and consequentially direct the respondents to permit to run the canteen in the campus of Government Rajaji Hospital, Madurai, in accordance with G.O.Ms.No.93, Health and Family Welfare Department, dated 25.03.2015.

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for Mr.B.Anandan,

For Respondents : Mr.M.Lingadurai
Special Government Pleader



ORDER

This writ petition has been filed challenging the impugned order dated 13.01.2022, under which, the petitioner's licence to run the canteen at Government Rajaji Hospital, Madurai District, has been terminated and the petitioner has been directed to hand over vacant possession of the said premises to the third respondent.

2.The case of the petitioner is that even though the three year licence period got expired on 31.10.2021, due to the lock down imposed on account of Covid - 19 pandemic situation, period of licence was extended in favour of the petitioner by another period of three months, which expired on 31.01.2022. According to the petitioner, since the premises is under occupation of Government hospital and the patients are benefited by his service, unless and until a new person is inducted for the purpose of running the canteen the patients will suffer. According to him, till date no auction has been conducted by the respondents for running the canteen at Government Rajaji Hospital, Madurai. According to the petitioner, by order dated 25.01.2022, in W.P.(MD).No.1012 of 2022, this Court had made it clear that without floating tender under the Tender Transparency Act, the respondents cannot grant licence for running a canteen in the subject hospital. Since the respondents have not conducted any auction with regard to the subject canteen till date, the petitioner has sought for quashing of the impugned order dated 13.01.2022 and sought for a consequential direction to the respondents to permit him to run the canteen in the campus of Government Rajaji Hospital, Madurai, in accordance with G.O.Ms.No.93, Health and Family Welfare Department, dated 25.03.2015.

3.Heard Mr.M.Ajmal Khan, learned Senior Counsel for Mr.B.Anandan, learned counsel for the petitioner and Mr.M.Lingadurai, Special Government Pleader, appearing for the respondents.

4.Mr.M.Lingadurai, learned Special Government Pleader on instructions submits that the respondents are making alternate arrangements till the tender is floated for running the said canteen and patients in the Government Rajaji Hospital, Madurai, will therefore, not suffer for want of any canteen. The said undertaking given by the respondents is recorded by this Court. Insofar as the relief sought for in this writ petition namely the request made by the petitioner for permitting him to continue running the canteen till auction is conducted is concerned, the same cannot be granted in view of the fact that the respondents have given an undertaking before this Court that they shall make alternate arrangements in lieu of the petitioner's canteen and that none of the patients in the said hospital will suffer for want of adequate food facilities.



However, the learned Special Government Pleader appearing for the respondents would also submit that shortly an auction will be conducted with regard to the said canteen at Government Rajaji Hospital, Madurai. The said statement is also recorded.

5. After hearing the respective counsels, this Court, after recording the undertaking given by the respondents that alternate arrangements will be made to provide food for the patients at Government Rajaji Hospital, Madurai, in lieu of the petitioner's canteen, disposes off this Writ petition in terms of said undertaking and also makes it clear that the **(*)third** respondent will have to conduct an auction with regard to the subject canteen within a period of two months from the date of receipt of a copy of this order. The petitioner is directed to hand over vacant possession of the premises to the respondents within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

**(*)Corrected as per the order of this Court dated 08.03.2022
in WP(MD).2094 of 2022**

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

(*) to be substituted the order already despatched on 18.02.2022

1. The Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai.



2.The Director of Medical Education,
O/o.Director of Medical Education,
Chennai - 600 010.

3.The Executive Engineer,
Public Works Department,
Construction and Maintenance Division,
Medical Services,
Thallakulam,Madurai.

4.The Dean,
Government Rajaji Hospital,
Madurai.

+1 CC to M/s.B.ANANDAN, Advocate (SR-4876[F] dated 08/02/2022)

+1 CC to M/s.SPL GP (SR-4764[F] dated 08/02/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-4620[F] dated 07/02/2022)

W.P (MD) .No.2094 of 2022
07.02.2022

RK(17/02/2022) 4P 8C
TR(15.03.2022) 4P 8C