



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.4574 of 2022

and

W.M.P.[MD]No.3839 to 3841 of 2022

S.Azhagar

... Petitioner

/Vs./

1.The Government Rajaji Medical College Hospital,
Represented by its Dean,
Madurai Rajaji Government Medical College Campus,
Madurai District.

2.The Executive Engineer,
O/o. The Executive Engineer,
Public Works Department,
Building and Maintenance Section,
(Medical Works), Madurai,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order in Letter No.VaPa/EvaA/Ko.6/2022 dated 11.03.2022 on the file of the Respondent No.2 and quash the same as illegal and consequently direct the respondents 1 and 2 to permit the petitioner to run the Kiosk tea shop in the Government Rajaji Medical College Hospital, Madurai District by renewing the lease period within the time frame stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.D.Sasikumar

Additional Government Pleader

ORDER

This writ petition has been filed challenging the order dated 11.03.2022 passed by the second respondent calling upon the petitioner to vacate the Kiosk tea shop in the Government Rajaji Medical College Hospital, Madurai District, as the earlier licence granted to him got expired on 11.03.2022.



2.The petitioner has challenged the impugned order on various grounds. The learned counsel appearing for the petitioner drew the attention of this Court to the Judgment dated 02.03.2022 passed by the Division Bench of this Court in WA(MD)No.173 of 2022. In the Writ Appeal, which was filed challenging the dismissal of the writ petition in similar circumstances. By the aforementioned Judgment of the Writ Appeal, the licensee was permitted to retain possession of the property, till auction was conducted by the respondents. The learned counsel appearing for the petitioner would submit that in the instant case also, licence for the petitioner got expired on 11.03.2022 and no auction has been conducted till date by the respondents and therefore, a similar order has to be passed to this petitioner also, as was passed in WA(MD)No.173 of 2022 dated 02.03.2022 by the Division Bench of this Court.

3.This Court, after giving due consideration to the Judgment dated 02.03.2022 passed by the Division Bench of this Court as referred to supra, is inclined to grant similar relief to the petitioner also. In order dated 07.02.2022 passed in WP(MD)No.2094 of 2022, against which the aforesaid writ appeal was filed, a direction was issued by the learned Single Judge of this Court to the respondents to conduct auction within two months from the date of receipt of the said order. The said direction of this Court has not been disturbed by the Division Bench of this Court in its Judgment dated 02.03.2022 in WA(MD)No.173 of 2022. The only modification made to the said order of the learned Single Judge was that the petitioner therein was permitted to continue the lease, till the auction was conducted by the respondents.

4.Admittedly, till date, no new person has been inducted by the respondents in the place of the petitioner, who claims that he has been running Kiosk tea shop for the past thirty years and was allotted space under the National Association of Educated Self Employed Youth, Madras. When no new person has been inducted and no auction has been conducted, no prejudice will be caused to the respondents, if the petitioner is allowed to be treated as a licensee by the respondents till the auction is conducted.

5.Accordingly, this Court directs the respondents to conduct auction with regard to petitioner's kiosk tea shop, within a period of two (2) months from the date of receipt of a copy of this order, as directed by this Court in its order dated 07.02.2022 passed in WP (MD)No.2094 of 2022 pertaining to the very same hospital. Till the auction is conducted, the petitioner can continue to remain in occupation of the said shop and continue to run kiosk tea shop, on payment of licence charges without committing any default, to the respondents.



6. In terms of the above directions, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

1. The Government Rajaji Medical College Hospital,
Represented by its Dean,
Madurai Rajaji Government Medical College Campus,
Madurai District.

2. The Executive Engineer,
O/o. The Executive Engineer,
Public Works Department,
Building and Maintenance Section,
(Medical Works), Madurai,
Madurai District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-13030[F]
dated 18/03/2022)

+1 CC to M/s.SPL GP (SR-12970[F] dated 18/03/2022)

order made in

W.P. [MD]No.4574 of 2022

Dated:

17.03.2022

KG (CO)

GC (30.03.2022) 3P 5C