



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.8020 of 2022

and

W.M.P.[MD]Nos.6004 and 6008 of 2022

WEB COPY

G.Steephan Abraham

... Petitioner

/Vs./

1.The Director,
Directorate of Medical and Rural
Health Services,
359, Anna Salai, Sokkalingam Nagar,
Thenampet, Chennai-6.

2.The Principal,
Government Medical College Hospital,
Virudhunagar-626 001.

3.The General Manager,
V.R.D.1000 Virudhunagar District Co-Operative
Milk Producers Union Ltd.,
Meenakshi Puram Post, Madurai Road,
Srivilliputhurs-626 125,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to quash the impugned notice dated 03.02.2022 issued by the 2nd respondent in Na.Ka.No.450/TV1/2022 and consequentially direct the respondents to renew the petitioner's license for running Aavin Milk Booth at Government Medical College Hospital, Virudhunagar considering the petitioner's renewal application along with representation dated 02.03.2022 sent to the 1st respondent within a time frame fixed by this Court.

For Petitioner

: Mr.I.Suthakaran

For Respondents

: Mr.M.Lingadurai,

Special Government Pleader.

ORDER

This writ petition has been filed challenging the impugned notice dated 03.02.2022 calling upon the petitioner to vacate the shop as per G.O.Ms.No.93, Department of Public Welfare and Family Welfare (H.2), dated 25.03.2015. The petitioner has sent a reply to the impugned notice on 21.02.2022 raising objections and questioning the authority of the second respondent to issue the impugned notice.



2. Admittedly, no final orders have been passed subsequent to the petitioner's explanation dated 21.02.2022 raising objections and questioning the authority of the second respondent to issue the impugned notice. The explanation submitted by the petitioner has not been considered till date by the second respondent. The petitioner has been occupying the shop from the year 2009 onwards and according to him, his licence has been periodically renewed.

3. This being the case, the second respondent will have to consider the petitioner's explanation / objection dated 21.02.2022 and thereafter decide as to whether the petitioner's licence can be extended or not.

4. No prejudice would be caused to the respondents, if this Court directs them to consider the petitioner's explanation dated 21.02.2022 on merits and in accordance with law, within a time frame to be fixed by this Court and till final orders are passed, the petitioner's right to remain in occupation in the subject shop should not be disturbed.

5. For the foregoing reasons, this Court directs the second respondent to pass final orders on the petitioner's explanation dated 21.02.2022 to the impugned notice dated 03.02.2022 within a period of four [4] weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner, including granting him the right of personal hearing.

6. Till final orders are passed, it is made clear that the respondents shall not disturb the possession of the petitioner in respect of the subject shop. The petitioner is permitted to raise additional grounds before the second respondent. However, the respondents are permitted to proceed further in accordance with law, after passing of the final orders.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

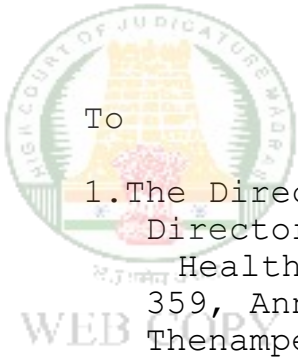
Assistant Registrar (Admin I)

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/ /2022

Sub Assistant Registrar (CS)

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To

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Virudhunagar District.

+1 CC to M/s.I. SUTHAKARAN, Advocate (SR-21114[F] dated
26/04/2022)

+1 CC to M/s.SPL.GP. (SR-21235[F] dated 26/04/2022)

W.P. [MD]No.8020 of 2022

25.04.2022

MGJ(13.05.2022) 3P 6C