



W.P.No.4915 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.4915 of 2023

and

W.M.P.Nos.4928 & 11635 of 2023

V.Dinesh

... Petitioner

Vs.

- 1.The Director,
A- Block, Government Multi Super Specialty Hospital,
Omandurar Premises,
Chennai – 600 002.
- 2.The Assistant Engineer,
Public Works Department,
Building Construction Section -2,
Sub- Division-3, Division- 3,
Medical Works, Chepauk,
Chennai – 600 005.
- 3.The Principal Chief Engineer,
Chief Engineer, (Gen) Public Works Department,
Chepauk, Chennai- 600 005.
- 4.The Superintending Engineer,
Public Works Department, Building
(Construction and Maintenance),
Division, Chepauk, Chennai- 600 005.



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5.The Executive Engineer,
Public Works Department,
Building Construction Section-2,
Sub Division 3, Division-3,
Medical Works, Chepauk,
Chennai – 600 005.

6.The Assistant Engineer,
Public Works Department,
Building Construction Section,
Tamil Nadu Government Multi Super Specialty Hospital,
Chennai – 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first Respondent to consider the Petitioner's representation dated 29.12.2022 and thereby pass orders allotting the tea stall to the petitioner.

For Petitioner : Mr.Surya Teja SS Nalla

For Respondents : Mr.M.Alagu Goutham
Government Advocate

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 29.12.2022 and thereby pass orders allotting the tea stall to the petitioner.



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2. Mr.Surya Teja SS Nalla, appears for learned counsel for the petitioner, Mr.M.Alagu Goutham, learned Government Advocate, accepts notice on behalf of respondents. In view of the consent expressed by learned counsel appearing on either side, this writ petition is taken up for final disposal.

3. The case of the petitioner is that, he is a milk vendor and running a tea stall. Seeking permission to run the said tea stall in Tamil Nadu Government Multi Super Specialty Hospital, the petitioner made applications dated 18.04.2022 and 07.06.2022 before the first respondent and the same was forwarded to the second respondent, pursuant to which, the second respondent recommended the first respondent to issue No Objection Certificate to the petitioner for setting up a tea stall, which was also issued vide letter dated 26.05.2022 of the first respondent. Subsequently, permission was also granted by the first respondent to set up a tea stall for a lease period of three years in the said Hospital. However, on the basis of the said permission, the third respondent vide letter dated 07.10.2022, has fixed the rent at Rs.3,513/- as monthly lease and also directed the fourth respondent to execute a



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lease agreement in favour of the petitioner. Since the lease agreement was not executed by the Public Works Department, the petitioner has made another representation before the first respondent on 29.12.2022 for allotment of tea stall in the said hospital. However, the same was not considered. Hence, the petitioner has filed the above writ petition before this Court for appropriate orders.

4. Though very many grounds has been raised in the writ petition, learned counsel appearing on behalf of the petitioner submits that it would suffice if this Court issues a direction to the fourth respondent to implement the letter of the third respondent dated 07.10.2022 within the time frame that may be stipulated by this Court.

5. Learned Government Advocate appearing for the respondents submits that the lease deed will be executed in favour of the petitioner within a period which may be fixed by this Court.

6. Heard learned counsel appearing on either side and perused the materials placed before this Court.



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7. In view of said submissions, this Court without going into the merits of the case directs the fourth respondent to implement the proceedings of the third respondent dated 07.10.2022 after affording an opportunity of personal hearing to the petitioner as well as the aggrieved persons if any, within a period of four (4) weeks from the date of receipt of a copy of this order.

8. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

25.04.2023

Index : Yes / No

Speaking order / Nonspeaking order

Netrual Citation Case : Yes / No

(rap)

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M.DHANDAPANI, J.,

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