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W.P.No.25839 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.25839 of 2023
and W.M.P.No.25287 of 2023

V.Balakrishnan

Vs.

...Petitioner

- 1.The Director,
The Directorate of Medical and Rural Health Services,
DMS, Tenampet, Chennai – 600 006.
- 2.The Hospital Superintendent,
District Government Hospital, Pollachi.
- 3.The General Manager,
Coimbatore District Cooperative Milk Producers Union Ltd.,
Pachapalayam,
Kalampalayam Post, Perur Via,
Coimbatore – 641 010.
- 4.The Executive Engineer, PWD,
Buildings (C & M) Division,
Medical Service, Tiruppur.
- 5.The Joint Director,
Medical and Rural Health Service,
Coimbatore, Coimbatore District -18.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, call for the records relating to the impugned order passed by the 5th respondent in Na.Ka.No.3408/thiva/2017 dated 08.08.2023 and to quash the same by renewing the Aavin Parlour License to me and to pass such other and further order as this Court may deem fit and proper in circumstances of the case.

For Petitioner	: Mr.S.Nagarajan
For Respondents	: Mr.P.Anandhakumar Government Advocate

ORDER

The writ petition is filed challenging the impugned order passed by the 5th respondent rejecting the petitioner's request for renewal of his license period.

2.The learned counsel appearing for the petitioner assailed the impugned order on the ground that while rejecting his request for extension, the 5th respondent observed that the license of the petitioner came to an end on 10.09.2016, but on facts, the license of the petitioner actually came to an end



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only on 30.11.2021. Therefore, the learned counsel for the petitioner submits that the impugned order has been passed without application of mind and therefore, it is liable to be set aside.

3.The petitioner herein has been running Aavin Milk Parlor in the 2nd respondent Hospital from the year 2013 onwards. He came out successful in the public auction conducted in the year 2013 and he was given license to run Aavin Parlour for the period of one year. Subsequently, at the request of the petitioner, the license period was temporarily extended from time to time. Lastly, renewal was granted to the petitioner on 19.12.2020 up to the period 30.11.2021. Therefore, the fact remains that the license granted to the petitioner was expired when his representation was considered by the 5th respondent. Therefore, the 5th respondent rightly rejected the request of the petitioner on the ground that the license period of the petitioner was already over.

4.In such circumstances merely because there is a typographical error with regard to the dates in the impugned order, the petitioner is not entitled to assail the same when, on facts, his license period is already over. If the 5th



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respondent proceeds to conduct fresh auction in respect of the Aavin Parlour,
the petitioner is entitled to participate in the auction.

5. With these observations, the writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

04.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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S.SOUNTHAR, J.

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