



W.P.No.25091 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.03.2023

C O R A M

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

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S.Ganesh Bose

... Petitioner

Vs

1. Government of Tamilnadu,
Rep by its Secretary, Health and Family Welfare Department,
Fort. St.George, Chennai.
 2. The Executive Engineer,
Public Works Department,
Building Maintenance-Medical Works,
Chepauk, Chennai-600 005.
 3. The Director and Superintendent,
Government Royapettah Hospitals,
Chennai-14.
 4. R.M.Meenakshi,
 5. A.Pandian,
 6. The Dean,
Government Stanley Medical College and Hospital,
Chennai-600 001.
 7. R.Usha Banu
- ... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue any writ, order or direction in the nature of Writ of Mandamus directing the respondents Nos.1 and 2 to consider the representation of the petitioner dated 14.10.2016 by permitting the petitioner to continue his kiosk-bunk shop at the premises of the 3rd and 6th respondents Hospital.

For Petitioner ... M/s.N.Vijaya Baskar

For Respondents ... Mr.E.Veda Bagath Singh,
Special Government Pleader

ORDER

This Writ Petition has been filed for a direction to respondents 1 & 2 to consider the petitioner's representation dated 14.10.2016 and permit the petitioner to continue his kiosk-bunk shop at the premises of the 3rd or 6th respondents Hospital.

2. The petitioner was allotted a kiosk stall for vending tea, coffee and biscuits at Royapettah Hospital, Chennai, which has to be renewed every three years. On 06.09.2012, the officials of the Public Welfare Department have sealed the kiosk shop without any notice. Hence, the petitioner has approached this Court in W.P.No.24801/2012 wherein, a direction was given to the



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Executive Engineer, Public Works Department to consider the request of the petitioner for allotting an alternative site for running the kiosk. Thereafter, the petitioner has made an application on 23.11.2019 seeking permission to run the kiosk at the Government Stanley Medical College Hospital, Chennai.

3. Pursuant to the petitioner's application, the 1st respondent has passed an order dated 02.09.2015 rejecting his request by citing G.O.No.93 Public Health and Family Welfare dated 25.03.2015. Subsequently, another Writ Petition in W.P.No.18402/2015 was filed by the petitioner seeking to consider the petitioner's representation dated 10.04.2015 seeking allotment of suitable place for the petitioner to run the kiosk, which was disposed of directing the respondents to consider the petitioner's representation. In the mean time, the petitioner submits that the Government without considering the orders passed by this Court on earlier occasions has granted permission to the 7th respondent to run the snacks bar in the 6th respondent hospital. Hence, the petitioner is before this Court on the ground that the action of the respondents in rejecting the claim of the petitioner and granting permission to the third parties is highly illegal and unlawful.



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4. Learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the respondents to consider the petitioner's representation dated 14.10.2016 within the time that may be stipulated by this Court.

5. On the above contention, this Court heard the learned Special Government Pleader appearing for respondents 1 to 3 & 6.

6. In view of the limited relief sought for by the petitioner, this Court without going into the merits of the case, directs the petitioner to submit a copy of the representation dated 14.10.2016 to the 4th respondent along with the copy of this order within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the 4th respondent is directed to consider the same and pass appropriate orders in accordance with law after affording an opportunity of personal hearing to the petitioner as well as to the aggrieved parties if any, within a period of four weeks thereafter.



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7. This Writ Petition stands disposed of with the aforesaid direction.

There shall be no order as to costs.

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Index: Yes/No

Internet: Yes

NHS

To

1. The Secretary,
Government of Tamilnadu,
Health and Family Welfare Department,
Fort. St.George, Chennai.
2. The Executive Engineer,
Public Works Department,
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Chepauk, Chennai-600 005.
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