



W.P.(MD)No.311 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2023

CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**W.P.(MD)No.311 of 2021**

**and**

**W.M.P.(MD).Nos.238, 239, 240 and 3610 of 2021**

A.Hamsa Devi

... Petitioner

Vs.

1.The Dean,  
Office of the Dean,  
The Government Raja Mirasudar Hospital,  
Tanjore District.

2.The Assistant Engineer,  
Public Works Department,  
Building and Maintenance Section,  
(Medical Works),  
Tanjore District.

3.The Assistant Engineer,  
Public Works Department,  
Electrical and Electronics Section,  
(Medical Works),  
Tanjore District.

... Respondents



W.P.(MD)No.311 of 2021

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.3349/Thiva/2019 dated 24.07.2020 on the file of the first respondent and quash the same as illegal and consequently directing the respondents 2 and 3 to issue license, No Objection Certificate to the petitioner for the NAESEY Kiosk at the Government Raja Mirasudar Hospital, Tanjore District within the time frame stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.B.Saravanan  
Government Advocate

### **ORDER**

This Writ Petition has been filed challenging the impugned notice issued by the first respondent dated 24.07.2020, directing one Padmini to vacate and hand over the canteen to the Hospital and for a consequential direction to the respondents 2 and 3 to issue license, No Objection Certificate to the petitioner for the NAESEY Kiosk at the Government Raja Mirasudar Hospital, Tanjore District.



W.P.(MD)No.311 of 2021

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2. The case of the petitioner is that her mother-in-law viz., Padmini was given license to run the canteen and she surrendered the canteen on account of her illness in the year 2019 to NAESEY which is an Association to which the license was granted. Thereafter, the petitioner made a representation to NAESEY for allotment of the canteen and the Secretary of NAESEY through letter, dated 24.05.2019 requested the first respondent to issue license and No Objection Certificate to run the canteen. In the meantime, the impugned notice came to be issued by the first respondent in the name of the dead person and the same has been put to challenge in the present Writ Petition.

3. The respondents have filed a counter affidavit and they have taken the stand that Padmini had already surrendered the license during her life time in the year 2019 itself and therefore, the petitioner does not have any right to seek for a license in her capacity as the daughter-in-law. The respondents have taken a stand that the petitioner is a stranger and she has no legal right to seek for license.

4. Accordingly, the respondents sought for the dismissal of this Writ Petition.



W.P.(MD)No.311 of 2021

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5. When the Writ Petition was taken up for hearing, it was brought to the notice of this Court that the petitioner continued to run the canteen by virtue of interim order passed by this Court. However, the learned Additional Government Pleader on specific instructions submitted that the canteen itself has been closed by the first respondent when the Writ Petition was pending.

6. In view of the above, it is not necessary for this Court to go into the issues that have been raised in this Writ Petition and recording the submissions of the learned Additional Government Pleader, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

**28.11.2023**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
Nsr



W.P.(MD)No.311 of 2021

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W.P.(MD)No.311 of 2021

**N.ANAND VENKATESH, J.**

Nsr

W.P.(MD)No.311 of 2021

28.11.2023