



**CONT.P.(MD)No.313 of 2023 &
W.P.(MD)Nos.2250 and 2445 of 2023**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont.P.(MD)No.313 of 2023

in

W.M.P.(MD)No.2023 of 2023

in

W.P.(MD)No.2250 of 2023

and

W.P.(MD)Nos.2250 and 2445 of 2023

and

W.M.P.(MD)No.2215, 2218 and 2023 of 2023

Cont.P.(MD)No.313 of 2023:-

E.Muneeswaran

... Petitioner

Vs.

1.P.Premalatha,

The Joint Director of Medical and Rural Health Services,
O/o.Joint Director of Medical and Rural Health Services,
Tenkasi.

2.Vijayakumar,

Sub Inspector of Police,
Tenkasi District.

... Contemnors

Prayer: Contempt petition is filed under Section 11 of the Contempt of Courts Act, to punish the Contemnor/1st & 2nd respondents for their



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deliberate and willful disobeying the order of this Court in W.M.P.(MD)No.2023 of 2023 in W.P. (MD). No.2250 of 2023 dated 03.02.2023.

For Petitioner : Mr.A.B.Jeeva

For Respondents : Mr.M.Lingadurai,
Spl. Government Pleader for R1.
Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R2.

W.P.(MD)No.2250 of 2023:-

E.Muneeswaran

... Petitioner

Vs.

1.The Director of Medical and Rural Health Services,
Directorate of Medical and Rural Health Services,
Anna Salai, Chokkalingam, Chennai.

2.The Joint Director of Medical and Rural Health Services,
O/o.Joint Director of Medical and Rural Health Services,
Tenkasi.

3.The Dean,
Government District Headquarters Hospital,
Tenkasi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to



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call for the records pertaining to the impugned order in file Na.Ka.No.11520/thiva/2023 dated 28.01.2023 passed by the 2nd respondent and quash the same as illegal and consequently direct the 1st and 2nd respondents to renew the permission granted to the petitioner for running the PCO STD Booth shop at the 3rd respondent hospital premises with the time period stipulated.

For Petitioner : Mr.A.B.Jeeva

For Respondents : Mr.G.Suriyananth,
Addl. Government Pleader.

W.P.(MD)No.2445 of 2023:-

M.Chinthamani

... Petitioner

Vs.

- 1.The Director of Medical and Rural Welfare,
O/o. The Director of Medical and Rural Welfare,
Chennai.
- 2.The Joint Director of Health Services,
O/o. the Joint Director of Health and Rural Welfare,
Government Hospital Campus, Tenkasi,
Tenkasi District.
- 3.The Executive Engineer,
Public Works Department,



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Building and Maintenance,
Anna Nagar,
Tirunelveli District.

4.The Assistant Executive Engineer,
Public Works Department,
Buildings (Construction and Maintenance) Section,
Medical Work, Tenkasi, Tenkasi District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.11520/Thiva/2023 dated 28.01.2023 served on petitioner on 30.01.2023 on the file of the respondent No.2 in so far as petitioner is concerned and quash the same as illegal and consequently forbearing the respondents 1 to 4 from evicting the petitioner from the NAESEY Kiosk shop situated at Government District Headquarters Hospital, Tenkasi within the time stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Fazil,
For M/s.Lajapathi Roy and Associates.

For Respondents : Mr.M.Lingadurai,
Spl. Government Pleader.



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COMMON ORDER

Heard the learned counsel on either side.

2.The petitioner in W.P.(MD)No.2250 of 2023 had obtained an interim order on 03.02.2023. The interim order was passed in the presence of the learned Government Counsel yet Muneeswaran was almost dispossessed and the electricity service connection was also disconnected. That led to the filing of this contempt petition. Following the order passed by this Court, possession was restored to Muneeswaran. It is open to the authority to move fresh tender / auction in this regard. Till such fresh auction is conducted and finalized, Muneeswaran can continue to be the licensee. Muneeswaran can take part in the proposed auction. Muneeswaran is also a physically challenged person. He can also match the highest offer. If Muneeswaran is unable to match the highest the offer, he has to vacate the moment when the tender process is finalized. Without giving any fresh notice, Muneeswaran can be dispossessed.



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3.As regards Chinthamani, the position is slightly different.

Even when this Court was hearing the writ petition and had almost granted an interim order, the shop was demolished. The authorities were very much aware of the pendency of this writ petition before this Court. I however decline to go into the issue as to whether the act committed by the authority would amount to contempt. Relief is given to the petitioner / Chinthamani to take part in the proposed auction and he would also be given the right to match the highest bid. If Chinthamani matches the highest bid, license will be issued to him. The preferential right is given to Chinthamani only in respect of the demolished shop.

4.These special directions are given for Muneeswaran as well as Chinthamani, considering the special facts and circumstances obtaining in this case. When the proposed tender process is being conducted, the authorities will very much intimate all the participants about the passing of this order.



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5.The contempt petition is closed and these writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

06.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

1.The Director of Medical and Rural Health Services,
Directorate of Medical and Rural Health Services,
Anna Salai, Chokkalingam, Chennai.

2.The Joint Director of Health Services,
O/o. the Joint Director of Health and Rural Welfare,
Government Hospital Campus, Tenkasi,
Tenkasi District.

3.The Executive Engineer,
Public Works Department,
Building and Maintenance,
Anna Nagar, Tirunelveli District.

4.The Assistant Executive Engineer,
Public Works Department,
Buildings (Construction and Maintenance) Section,
Medical Work, Tenkasi, Tenkasi District.

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4.The Dean,
Government District Headquarters Hospital,
Tenkasi.

5.The Sub Inspector of Police,
Tenkasi District.

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