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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.6075 of 2023

and

W.M.P.(MD)Nos.5742 and 5743 of 2023

K.S.Jeyachandran

... Petitioner

vs.

1.The District Collector,
Trichy District, Trichy.

2.The Dean,
Mahathma Gandhi Memorial Government Hospital,
Trichy – 17.

3.The Executive Engineer,
Public Works Department,
Building Construction and Maintenance Sub Division,
Medical Works, Cantonment,
Trichy-1.

4.The Assistant Executive Engineer,
Public Works Department,
Building Construction and Maintenance Sub Division,
Medical Works, Cantonment, Trichy-1.

5.The Director,
R614-Tiruchirappalli District Milk Producers Union Limited,
Tiruchirappalli District -23.



6.Karunaneethi

... Respondents

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 proceedings of the second respondent in Na.Ka.No.7355/Ti&Va-1/2022, dated 02.03.2023 and to quash the same as illegal and consequently, to direct the respondents not to disturb the petitioner's Aavin business at Hospital premises in any manner without following due process of law.

For Petitioner	:Mr.T.Vadivelan
For R1 to R5	:Mr.N.Muthu Vijayan Special Government Pleader
For R6	:Mr.K.R.Nishanth

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with an order of the second respondent/Dean Mahatma Gandhi Memorial Government Hospital at Trichy dated 02.03.2023 in Na.Ka.No.7355/Ti&Va-1/2022 not to disturb the business of the petitioner who is running an Aavin shop.



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2.Heard Mr.T.Vadivelan, learned Counsel for the petitioner, Mr.N.Muthu Vijayan, learned Special Government Pleader for the respondents 1 to 5 and Mr.K.R.Nishanth, learned Counsel for the sixth respondent.

3.In the affidavit filed in support of this Writ Petition, it had been stated that the petitioner is running a shop measuring 10x10 sq.ft. at Mahatma Gandhi Memorial Government Hospital at Trichy for the past 17 years. It had been stated that the licence of the petitioner has been cancelled and that he should vacate the Aavin shop. The petitioner had also filed a suit in O.S.No.457 of 2022 before the Principal District Munsif Court at Trichy, wherein, he had sought that the order of the fourth respondent cancelling the licence is null and void.

4.The impugned order then came to be passed on 02.03.2023, whereby, the fourth respondent had stated that they had granted permission to the sixth respondent to run an Aavin shop next to the Aavin shop of the petitioner herein.



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5.The petitioner, who is doing business, cannot object to business being conducted by another person. It may be the same nature of business or another business, but certainly the petitioner can never question the permission granted to the fifth respondent. It is also seen that the petitioner had violated the fundamental condition that he should not sell any other product apart from Aavin products. Once there is a violation of the lease condition and the licence, then the petitioner cannot seek any relief.

6.With respect to the licence, the issue is already pending before the Civil Court and the present Writ Petition is concerned only with respect to grant of licence to the sixth respondent. The business of the sixth respondent is certainly not prohibited. It is also lawful. The petitioner cannot claim exclusive right to have Aavin shop in the premises. More over, the petitioner must also realise that he should conduct the business only within the terms of the licence.



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7.The Writ Petition stands dismissed. No costs. Consequently,
connected miscellaneous petitions are closed.

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

07.06.2023

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5/6



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.6075 of 2023

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