



W.P.(MD) No.14463 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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M.Arockiam

... Petitioner

-VS-

1.The Director of Medical and
Rural Health Services (ESI)
Directorate of Rural and Health Services
State of Tamil Nadu
DMS Complex, Anna Salai
Thenampettai, Chennai

2.The Regional Administrative
Medical Officer (ESIC)
Office of the Regional Administrative
Medical Officer (ESIC)
Opposite to Government Law College
K.K.Nagar, Madurai-625 020

3.The Medical Officer
ESI Dispensary
Munichalai, Madurai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to grant permission to purchase land and to construct house by considering his application dated 03.01.2019 within the time stipulated by this Court.



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For Petitioner : Mr.S.Malaikani

For Respondents : Mr.J.John Rajadurai
Government Advocate

ORDER

This writ petition is filed for a mandamus directing the respondents to grant permission to the petitioner to purchase a land for construction of a house, by considering his application dated 03.01.2019.

2. A counter affidavit is filed by the respondents stating that on 07.05.2019, the petitioner's application was returned with a direction to the petitioner to resubmit the application with further particulars. Thereafter, the petitioner has not resubmitted the application.

3. It is submitted by the learned counsel for the petitioner that in the meanwhile, the petitioner has gone ahead and purchased a plot and also constructed a house therein.

4. It is also submitted by the learned counsel for the petitioner that when the application was made by the petitioner, it was neither accepted



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nor rejected by the respondents and it was kept pending for a period of five months and only because of the same, the petitioner has proceeded to purchase the property.

5. In that view of the matter, nothing survives for consideration in the original prayer, which is asked for in this writ petition. However, the petitioner can make an application for recording the said assets by seeking *ex post facto* approval with the respondents and the same will be considered on merits and in accordance with the relevant Rules.

6. Giving such liberty to the petitioner, this writ petition is closed.

No costs.

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

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