



WEB COPY

W.P.No.13745 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13745 of 2020
and
W.M.P.No.17086 of 2020

R.Suguna

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by the Principal Secretary to Government,
Department of Health and Family Welfare,
Fort St. George,
Chennai – 600 009.

2.The Managing Director,
TANTEA (Tamil Nadu Tea Plantation Corporation Limited),
Coonoor,
The Nilgris District.

3.The Dean,
Rajiv Gandhi Government General Hospital,
Chennai – 3.

4.The Commissioner of Corporation,
Greater Chennai Corporation,
Chennai – 3.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent herein to consider the petitioner's representation dated 27.08.2020 seeking to give the petitioner dealership for purchase and sale of TANTEA tea packets, in order to put up TANTEA bunk stall within the campus of Rajiv Gandhi Govt. General Hospital, Chennai – 3 in order to sell quality drinking tea at low price to the poor, sick and general public, at the earliest.

For Petitioner : Mr.A.Veerabadran

For R1 to R3 : Mr.G.Krishna Raja
Additional Government Pleader

ORDER

The writ of mandamus has been instituted to direct the 2nd respondent to consider the representation submitted by the writ petitioner on 27.08.2020 to grant dealership for purchase and sale of Tamil Nadu Tea Plantation Corporation Limited (TANTEA) tea packets, in order to put up Tamil Nadu Tea Plantation Corporation Limited (TANTEA) bunk stall in the premises of Government Hospital, Central Chennai -3.



2. The very relief sought for in the present writ petition is misconceived. The High Court cannot issue any such direction to consider representation in the absence of establishing any legal right. Establishing a legal right is a free condition for entertaining a writ proceeding. Mere direction to consider the representation, if granted, would do no service to the cause of justice. Contrarily the litigant will be back again to the Court by way of filing another writ petition.

3. Therefore, the petitioner cannot expect the High Court to issue a direction for the purpose of securing permission to construct a Bunk Shop or to grant dealership for sale of Tamil Nadu Tea Plantation Corporation Limited (TANTEA) pockets or other products. All such commercial activities inside the premises of the Government Hospitals across of State of Tamil Nadu are regulated by the Government and only in the event of notification or otherwise, the petitioner has to participate and if he becomes successful bidder, his case may be considered, in accordance with the policy of the Government.



4. With these clarifications, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

08.01.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

- 1.The Principal Secretary to Government,
The State of Tamil Nadu,
Department of Health and Family Welfare,
Fort St. George,
Chennai – 600 009.
- 2.The Managing Director,
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S.M.SUBRAMANIAM, J.

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