



WEB COPY



WP No.23080 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.23080 of 2022

Kumaresan

: Petitioner

Vs

1.The District Collector
Tiruvannamalai District

2.The Joint Director of Health & Health Science
Tiruvannamalai

3.The Principal Resident Medical Officer
Government Hospital Sengam 606
701, Tiruvannamalai District

4.The Management
Krishna Clinic, Raja Veethi, Sengam : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 1 to 3 herein to take action against the 4th Respondent herein for running the clinic in breach of the Act and the Rules and conditions as stipulated under the Tamil nadu private Clinical Establishments (Regulations) Act 1997.

For Petitioner : Mr.K.Govi Ganesan

For Respondents 1 to 3 : Mr.T.K.Saravanan,
Government Advocate

For Respondent No.4 : Mr.V.Janarthanan

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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.K.Govi Ganesan, learned counsel for the petitioner, Mr.T.K.Saravanan, learned Government Advocate, appearing for respondents 1 to 3 and Mr.V.Janarthanan, learned counsel appearing for the fourth respondent.

2. This petition is filed seeking directions upon respondents 1 to 3 to take action against the fourth respondent for running a clinic in breach of the relevant Act and the Rules.

3. The learned counsel for the petitioner refers to the inspection report dated 13.04.2022 and submits that the clinic is run without proper permission.

4. The learned Government Pleader submits that after the inspection report, the defects have been cured by the fourth respondent and permission has been granted on 26.07.2022 to run the clinic.



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5. According to the learned counsel for the fourth respondent, the petitioner is an employee of an adjacent medical shop and because of business rivalry, the present writ petition has been filed.

6. The petition does not appear to be bona fide. It appears to be a personal interest litigation rather than a public interest litigation. The fourth respondent has already been permitted to run the clinic in July, 2022, before the filing of the writ petition.

7. The writ petition as such is dismissed with costs.

(S.V.G., CJ.)

(D.B.C., J.)

12.03.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

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