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W.P.No.24833 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.No.24833 of 2024

Marina INN,
Unit of Ansari Estate Private Limited,
Rep. by its Authorized Signatory, Vimal.V.L
No.55/31, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

...Petitioner

Vs.

1. The Principal Secretary,
Public Health and Welfare Department,
Chennai – 600 009.

(1st respondent, amended, vide order of this Court dated
27.08.2024 made in W.P.No.24833 of 2024)

2. The Commissioner,
Indian Medicine and Homeopathy Department,
Arumbakkam, Chennai – 600 106.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 16.03.2024 and consequently direct the respondents to pay a sum of Rs.9,05,000/- (Rupees Nine Lakh Five Thousand only) within the time limit fixed by this Court.



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For Petitioner : Mr.Vijayan Subramanian

For Respondents : Mr.E.Sundaram, GA

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ORDER

This Writ petition has been filed by the petitioner seeking to direct the respondents to consider the petitioner's representation dated 16.03.2024 and to consequently pay a sum of Rs.9,05,000/- to the petitioner.

2. In view of the consent expressed by the learned counsel on either side, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that, the petitioner is engaged in the business of providing star rated hotel and accommodation services to the customers and guests across the world. While so, during Covid-19 pandemic, the respondents directed the hotels in Chennai to be converted into extended Covid hospitals, pursuant to which, the petitioner provided lodging in their hotel rooms and the associated expenses were billed to the relevant medical authorities and between the months of June 2021 to November 2021, the petitioner sent several invoices totalling to a sum of Rs.9,05,000/- to the 2nd



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respondent. As the said bill amounts were not paid, the petitioner made a representation dated 16.03.2024 to the respondents seeking payment of outstanding due of Rs.9,05,000/- in favour of the petitioner, which evoked no response. Hence, this Writ petition.

4. Though very many grounds have been raised, the learned counsel for the petitioner submitted that, it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 16.03.2024 and to consequently pay a sum of Rs.9,05,000/- to the petitioner, for the service provided by the petitioner during the Covid-19 pandemic period.

5. Learned Government Advocate appearing on behalf of the respondents submitted there is no department called Public Welfare Department and the proper remedy available to the petitioner is to approach the Public Health and Welfare Department, instead of which, the petitioner has approached this Court by way of filing this Writ petition which is not sustainable.

6. Considering the limited request made by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case, *Suo motu* amends the 1st respondent as the Principal Secretary, Public Health



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and Welfare Department, Chennai – 600 009 and directs the petitioner to send a copy of the representation dated 16.03.2024 along with a copy of the order to the amended 1st respondent within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the Principal Secretary, Public Health and Welfare Department, Chennai shall consider the same on merits and in accordance with law and pass appropriate orders within a period of two weeks thereafter, after affording any opportunity of hearing to the petitioner and aggrieved persons, if any.

7. With the above directions, this Writ petition stands disposed of. No costs.

8. Registry is directed to make necessary amendments in the cause title with regard to the 1st respondent.

27.08.2024

skt

Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No

To



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M.DHANDAPANI, J.



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