



WEB COPY



WP.No.26617 of 2021

In the High Court of Judicature at Madras

Dated : 05.08.2024

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition No.26617 of 2021

G.Govindaraj

...Petitioner

Vs

1.The Director, Directorate of
Medical & Rural Health Services,
DMS, Teynampet, Chennai-6.

2.The Director, Directorate of
Medical Education, Kilpauk,
Chennai-10.

3.The Joint Director of Health
Services, Tirupur.

4.The Dean & Special Officer,
Government Medical College &
Hospital, Tirupur.

5.The Executive Engineer,
PWD Building (C&M),
Divisional Medical Work,
Kumar Nagar, Tirupur-1.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandmus to call for the records relating to the 4th respondent vide Na.Ka.No.7004/thee/vaa/ 2021 dated



WP.No.26617 of 2021

24.11.2021, quash the same and direct the 2nd respondent to grant permission/renew to run the Aavin Booth in the 4th respondent's premises.

For Petitioner : Mr.S.Nagarajan
For R1 to R4 : Mr.E.Sundaram, GA
For R5 : Mr.L.S.M.Hasan Fizal, AGP

ORDER

The writ petition has been filed challenging the proceedings dated 24.11.2021, by which, the fourth respondent directed the petitioner to vacate the Aavin Milk Parlour run by him on the ground that the second respondent did not accept the request made by the petitioner and that the licence issued to him by the Tirupur District Cooperative Milk Producers Society Limited was cancelled by proceedings dated 27.10.2021 and consequently, direct the second respondent to grant permission to run the Aavin Milk Parlour in the fourth respondent's premises.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for respondents 1 to 4 and the learned Additional Government Pleader appearing for the fifth respondent.

3. The case of the petitioner is as follows :

(i) The petitioner has been selling Aavin milk products in the



WP.No.26617 of 2021

premises of the fourth respondent for more than a decade. The petitioner has also been paying the charges towards the electricity and the water connections to the concerned Departments. The petitioner is also paying rent to the fifth respondent regularly. The Tirupur District Cooperative Milk Producers Society Limited also renewed his licence from 07.7.2021 to 07.6.2022.

(ii) In the meantime, pursuant to directions issued by the first respondent dated 12.11.2019, the petitioner sent a representation dated 11.12.2020 to the second respondent seeking to permit him to run the Aavin Milk Parlour in the premises of the fourth respondent. However, the fifth respondent sent a letter dated 18.1.2021 requiring the petitioner to vacate the Aavin Milk Parlour. The petitioner persuaded respondents 1 and 2 by sending representations after representations. However, nothing was forthcoming.

(iii) Hence, earlier, the petitioner approached this Court by filing W.P.No.19186 of 2021 and it was disposed of by a learned Single Judge of this Court by order dated 13.9.2021 directing the second respondent to consider the representation of the petitioner dated 19.7.2021 on merits and in accordance with law and after affording a reasonable opportunity. But, it



WP.No.26617 of 2021

did not evoke any response. Instead, the electricity and the water connections were disconnected in order to prevent the petitioner from running the Aavin Milk Parlour. Thereafter, to the shock and surprise of the petitioner, the impugned order came to be passed.

4. The learned counsel for the petitioner contended that as per G.O.Ms.No.93 Health & Family Welfare Department dated 25.3.2015, the petitioner was granted licence to run the Aavin Milk Parlour in the fourth respondent's premises and that the licence issued by the Tirupur District Cooperative Milk Producers Society Limited was cancelled by proceedings dated 27.10.2021 unilaterally and without issuing any notice to the petitioner.

5. Per contra, the respective learned counsel appearing both respondents 1 to 4 as well as the fifth respondent submit that admittedly, the licence issued by the Tirupur District Cooperative Milk Producers Society Limited was cancelled by proceedings dated 27.10.2021, that without challenging the said proceedings dated 27.10.2021, the petitioner approached this Court, that therefore, the petitioner has no right to run the



WP.No.26617 of 2021

WEB COPY

Aavin Milk Parlour in the premises of the fourth respondent and that the petitioner's request for renewal of the licence was already rejected by both the second respondent as well as the Tirupur District Cooperative Milk Producers Society Limited by proceedings dated 04.10.2021 and 27.10.2021 respectively.

6. Heard the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

7. When the matter is taken up for hearing, a copy of G.O.Ms. No.194 Health & Family Welfare Department dated 21.6.2022 issued by the Principal Secretary to Government is produced before this Court. On a perusal of the same, it is seen that it was issued pursuant to the directions issued by a learned Single Judge of this Court in Cont.P.No.1786 of 2019 dated 25.11.2021 and permission has been granted to all the Deans of the colleges/Joint Directors/Medical Superintendents within the State of Tamil Nadu to call for tenders to run tea shops and tiffin centres in the Government Medical Colleges and Hospitals within the State of Tamil Nadu after following due procedure and confirm the tenders to the highest



WP.No.26617 of 2021

bidders after getting necessary approval from the first respondent or the second respondent, as the case may be, after scrupulously following the guidelines prescribed in the said Government Order and the relevant rules prevailing as on date.

8. By the impugned order, when the petitioner was already directed to vacate the fourth respondent's premises, in which, the Aavin Milk Parlour was run by him, this Court cannot interfere with the same. Further, based on the said Government Order, the concerned Heads of the Medical Colleges and Hospitals were already permitted to call for tenders to run the tea and the tiffin centres and to confirm the tenders of the highest bidders after the approval of either the first respondent or the second respondent, as the case may be, it is but appropriate that the petitioner can very well participate in the tender that will be called for in future. If the petitioner is so desirous of getting such a licence, he is always at liberty to participate in the tender called for by the fourth respondent or any other medical college in a manner known to law in future in terms of the said Government Order.



WP.No.26617 of 2021

WEB COPY
costs.

9. In view of the above discussions, the writ petition is dismissed. No

05.8.2024

Index : Yes (or) No
Neutral Citation : Yes (or) No

To

- 1.The Director, Directorate of
Medical & Rural Health Services,
DMS, Teynampet, Chennai-6.
- 2.The Director, Directorate of
Medical Education, Kilpauk,
Chennai-10.
- 3.The Joint Director of Health
Services, Tirupur.
- 4.The Dean & Special Officer,
Government Medical Officer &
Hospital, Tirupur.
- 5.The Executive Engineer,
PWD Building (C&M),
Divisional Medical Work,
Kumar Nagar, Tirupur-1.

RAP



WEB COPY



WP.No.26617 of 2021

M.DHANDAPANIJ

RAP

WP.No.26617 of 2021

05.8.2024