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W.P.No.26398 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26398 of 2024

1.Dr.R.Senthil Kumar
2.R.Balasundari

... Petitioners

Vs.

1.The District Collector
Tiruvannamalai
Tiruvannamalai District – 606 601.

2.The Director
Medical and Rural Health Services
359, D.M.S.Complex, Anna Salai,
Chennai – 600 006.

3.The Joint Director
Medical and Rural Health Services
Tiruvannamalai – 606 601.

4.Dr.Jayanthi

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 and 3 to consider the representations made by the second petitioner dated 05.04.2024 and 02.05.2024 and initiate appropriate action relating an approval given to Dr.K.Jayanthi to run Nethra Naksha Hospital bearing Door No.85-A, Big Street, Tiruvannamalai and consequently to cancel the same.



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For Petitioners : Mr.S.Udayakumar

For Respondents : Mr.LSM.Hasan Fizal for R1
Additional Government Pleader
Mr.E.Sundaram for R2 & R3
Government Advocate

ORDER

Mr.LSM.Hasan Fizal, learned Additional Government Pleader takes notice on behalf of the first respondent, Mr.E.Sundaram, learned Government Advocate takes notice on behalf of the respondents 2 and 3. Since this Court is not inclined to pass any adverse order as against the fourth respondent, notice to the fourth respondent is dispensed with. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioners have filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 2 and 3 to consider the representations made by the second petitioner dated 05.04.2024 and 02.05.2024 and initiate appropriate action relating an approval given to Dr.K.Jayanthi to run Nethra Naksha Hospital bearing Door No.85-A, Big Street, Tiruvannamalai and consequently to cancel the same.



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3.The learned counsel appearing for the petitioner submitted that the first petitioner and the fourth respondent are husband and wife and the second petitioner is the Mother of the first petitioner. Earlier the second petitioner and the fourth respondent were running a Hospital in the name and style of Nethra Hospital. Subsequently, there was matrimonial dispute between the first petitioner and the fourth respondent and adjacent to the petitioners property, the fourth respondent started another Hospital in the name and style of Nethra Naksha Hospital. Hence, the second petitioner made representation to the third respondent seeking to take action to cancel the approval granted in favour of the fourth respondent to run Nethra Naksha Hospital, however, the same has not yet been considered.

4.The learned counsel appearing for the petitioner further submitted that without going into the merits of the case, this Court may issue direction to the respondents 2 and 3 to consider the second petitioner's representations dated 05.04.2024 and 02.05.2024 and to pass appropriate orders, within a reasonable time frame.



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5.It is purely matrimonial dispute between the first petitioner and the fourth respondent, who are husband and wife. The second petitioner is the Mother of the first petitioner and Mother – in – Law of the fourth respondent. Earlier the second petitioner and the fourth respondent were running a Hospital in the name and style of Nethra Hospital. Subsequently, there was matrimonial dispute between the first petitioner and the fourth respondent, thereby, the fourth respondent started another Hospital in the name and style of Nethra Naksha Hospital. The petitioners ought to have challenged the approval/ licence granted in favour of the fourth respondent for running Hospital in the name and style of Nethra Naksha Hospital, instead has filed this writ petition, which is not sustainable one.

6.In view of the above, the relief sought for in this writ petition cannot be granted. This writ petition is dismissed. However, liberty is granted to the petitioners to work out the remedy in the manner known to law. No costs.

11.09.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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