



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.35355 of 2024
and W.M.P.No.38231 of 2024

V.Balakrishnan

.. Petitioner

Vs.

- 1.The Director,
The Directorate of Medical and Rural Health Services,
DMS, Tenampet,
Chennai 600 006.
- 2.The Hospital Superintendent,
District Government Hospital,
Pollachi.
- 3.The Executive Engineer, PWD,
Buildings (C&M) Division,
Medical Service, Tiruppur.
- 4.The Joint Director,
Medical and Rural Health Service,
Coimbatore, Coimbatore District.
- 5.The General Manager,
Coimbatore District Co-operative Milk Producers Union Ltd.,
Pachapalayam, Kalampalayam Post, Perur Via.,
Coimbatore 641 010.

.. Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to permit the petitioner to run the “Tea Shop” in the 2nd respondent premises till conducting Auction by the 3rd respondent and permit the petitioner to participate in the auction as per the order dated 04.09.2023 passed by this Court in WP.No. 25839 of 2023.

For Petitioner .. Mr.S.Nagarajan
For Respondents .. Mr.E.Sundaran
Government Advocate for R1 to R4
Mr.Rajinikanth for R5

ORDER

The writ petitioner had earlier filed writ petition in W.P.No.25839 of 2023 which came up for consideration before a learned Single Judge and by an order dated 04.09.2023, the learned Single Judge had dismissed the writ petition. That particular writ petition had been filed seeking interference with an order of the 5th respondent therein/4th respondent herein, the Joint Director, Medical and Rural Health Service, Coimbatore, whereby, the request of the petitioner for extension of license was rejected. The learned Single Judge had refused to interfere with that order and dismissed the writ petition. The petitioner had no right to continue to run the tea shop there. The request for extension had not been granted.



2. Now the writ petition has been filed seeking permission to continue to run the tea shop till an auction is conducted. If such permission is granted it would run contrary to the earlier order of the learned Single Judge, dated 04.09.2023 in W.P.No.25839 of 2023. Therefore, with respect to the relief sought, to permit the petitioner to run the tea shop, the writ petition stands dismissed and that relief is not granted. Needless to point out, nor even to observe, the petitioner if he is eligible and satisfies the eligibility conditions of the respondents can always participate in the auction. No Costs. Consequently, connected miscellaneous petition is closed.

28.11.2024

Index:Yes/No

Internet:Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation:Yes/No

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To

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2. The Hospital Superintendent,
District Government Hospital,
Pollachi.

3. The Executive Engineer, PWD,
Buildings (C&M) Division,
Medical Service, Tiruppur.



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4.The Joint Director,
Medical and Rural Health Service,
Coimbatore, Coimbatore District.

5.The General Manager,
Coimbatore District Co-operative Milk Producers Union Ltd.,
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