



W.P.(MD)No.745 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.745 of 2024
and
W.M.P(MD)Nos.752 and 753 of 2024

S.Singkishkan

... Petitioner

Vs

1.The Dean,
Kanniyakumari Government Medical College,
Asaripallam,
Nagercoil,
Kanniyakumari District.

2.The Chief Warden,
CRMI & P.G.Hostel,
Kanniyakumari Government Medical College,
Asaripallam,
Nagercoil,
Kanniyakumari District.

3.The Warden (Mess),
CRMI & P.G.Hostel,
Kanniyakumari Government Medical College,
Asaripallam,
Nagercoil,
Kanniyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, calling for the



W.P.(MD)No.745 of 2024

records pertaining to the impugned proceedings of the first respondent, dated 19.12.2023 in Na.Ka.No.8470/Hostel/2022 and the consequential impugned order, dated 27.12.2023 passed by the third respondent and to quash the same and to direct the first and third respondents to execute the mess contract with the petitioner by considering the representation of the petitioner, dated 30.12.2023 submitted to the first respondent.

For Petitioner : Mr.G.Aravinthan

For Respondents : Mr.P.T.Thiraviyam
Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Certiorarified Mandamus to quash the impugned proceedings of the first respondent, dated 19.12.2023 in Na.Ka.No.8470/Hostel/2022 and the consequential impugned order, dated 27.12.2023 passed by the third respondent and to direct the first and third respondents to execute the mess contract with the petitioner by considering the representation of the petitioner, dated 30.12.2023 submitted to the first respondent.

2. Heard Mr.G.Aravinthan, learned counsel appearing for the petitioner and Mr.P.T.Thiraviyam, learned Government Advocate appearing for the respondents.



W.P.(MD)No.745 of 2024

3. The case of the petitioner is that the petitioner was running a hotel at Erulappapuram, Nagercoil for about 20 years. He came to know that there was an opening for running a mess within the Government Kanniyakumari Medical College Campus as there is requirement for a mess for CRMI & PG Hostel, in which, about 230 students are staying. The petitioner applied for the same. The first respondent approved the petitioner's application and he invested huge money for running the mess. The petitioner has given a letter to the first respondent to enter into an agreement for running the contract mess in the CRMI and PG hostel. Till date, the same was not considered by the first respondent and the agreement is yet to be executed between the petitioner and the respondents 1 & 2. The food provided by the petitioner is unlimited manner, were above satisfactory level and the same had been evidenced from the suggestion book, provided by the petitioner, in which, not only the post graduate students staying at the hostel, but also the Chief Warden, Account Warden, General Warden and the third respondent, who are all official under the first respondent as well as the subordinates of second respondent, who has stated about the food. The bills raised by the petitioner for the months August, September and October 2023 were paid on 08.12.2023 and 28.12.2023 from the office of the first respondent by way of cheque to the tune of Rs.5,50,859/- and Rs.2,88,464/- respectively. He is providing unlimited food for all the Post



W.P.(MD)No.745 of 2024

Graduate students as well as CRMI students at a very meager rate of a sum of

Rs.155/- per day, which includes the morning breakfast, lunch by noon and for dinner and also inclusive of snacks and hot beverages like tea/coffee in the evening. Some four students claiming themselves as Mess Secretaries of the CRMI had given a letter on 30.11.2023 and intimated that they have decided not to eat in the Mess from December 1st and the subsequent days. The petitioner used to cook for all those students staying at CMRI and PG hostel within the Kanniyakumari Government Medical College Campus and most of the students continue to eat the food provided by the petitioner without any complaint. While so, the third respondent by referring to a communication, dated 19.12.2023 under reference number Na.Ka.No.8470/Hostel/2022 alleged to have been issued by the first respondent to the second respondent stating that the petitioner has to vacate and hand over possession of the mess in the CRMI hostel before 31.12.2023. Without giving any notice to the petitioner, the third respondent simply rescinded the contract and directed him to shutdown the mess and to hand over Mess to the respondents on or before 31.12.2023. The copy of the proceeding of the first respondent, dated 19.12.2023 was also served to the petitioner. But, both the communications dated 19.12.2023 passed by the first respondent and dated 27.12.2023 of the third respondent had not mentioned regarding any prior notice was given to the petitioner. No show



W.P.(MD)No.745 of 2024

cause notice has been issued to the petitioner and no explanation has been called for from him. Hence, the petitioner has given a representation on 30.12.2023 to the first respondent seeking to cancel the communication of the third respondent, dated 27.12.2023 and to permit him to run the mess as the CRMI & PG hostel as he spent his hard earned money to the tune of Rs.2,00,000/- towards purchase of cooking accessories and also repaired the roof of the Mess in the CRMI & PG Hostel Mess. Till date, the first respondent has not passed any orders. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

4. The learned Government Advocate appearing for the respondents filed counter affidavit and submitted that on 19.12.2023 based on the letter, dated 27.11.2023 given by the Hostel Warden, letter dated 05.12.2023 and 12.12.2023 written by the students, the Dean, Kanniyakumari Medical College Hospital, Kanniyakumari has taken a decision that most of the Training Doctors are not taken the food and hence, the contract has to be cancelled. Further, the fees for 15 days for the training students should not be collected. If the PG students are willing to conduct the mess they are permitted to conduct the same after getting permission from the Hostel Warden.



W.P.(MD)No.745 of 2024

5. It is submitted that the petitioner was unable to run the mess at one point and an interim arrangement was done by the CRMIs to run the mess with one Thiru.Esakkiappan, 7(1), Northstreet, Elayanainarkulam, Dalapathisamudram, Tirunelveli District by the CRMI (Compulsory Rotatory Medical Interns) mess council of 2018 batch and the same has been approved by the Chief Warden of hostels on 05.08.2023. The petitioner is no way connected to this approval by the CRMI mess council/warden/students council.

6. It is submitted that the representation, dated 24.11.2023 was received from the mess secretaries complaining about the quality and hygiene of the food in the mess for which, an open enquiry was conducted by the wardens and the report of the same has been received by the first respondent on 28.11.2023. Thiru.Esakkiappan has submitted in written that he is leaving the CRMI mess as he could not run the same also and he has submitted that he will hand over the mess on 01.02.2024. It is further submitted that the mess secretaries have informed the first respondent that the mess contract was given to Thiru.Esakkiappan but it was managed by someone else. Due to which, many confusions and problems were faced by the students and has requested to terminate the current mess. Thiru.Esakkiappan has engaged the petitioner as manager and it was informed by Thiru.Esakkiappan to the hostel office and also



W.P.(MD)No.745 of 2024

informed that the accounts will be managed by petitioner on behalf of him.

WEB

Therefore, only the bills for the mess for the month of August, September and October 2023 has been raised by the said petitioner approved by the warden and as such cheque has been issued to the petitioner from the students money. Considering the welfare of the CRMIs in this institution it was decided to terminate the mess run by the current mess contractor Thiru.Esakkiappan and orders have been issued Ref.No.8470/Hostel/2022 dated 19.12.2023. In the meantime, Thiru.Singkishkan has submitted an undated letter to the first respondent on 21.12.2023 requesting permission to run the mess which was eventually rejected and the existing mess contractor was ordered to vacate the mess before 31.12.2023 and prayed for dismissal of the writ petition.

7. On going through the typed set of papers filed by the respondent and the counter affidavit filed by the respondent, it is seen that there was no proper food provided to the students. The petitioner stated that he has provided proper food without any complaint, but the respondents have removed him from the contract.

8. Considering the facts and circumstances of the case and also considering the submissions made by both sides, this Court directs respondents



W.P.(MD)No.745 of 2024

to call for the fresh auction for running the mess as per the rules established under law and it is left open to the petitioner to approach the authorities, if any such auction is held. The petitioner is directed to remove his belongings from the mess within a period of one week from the date of receipt of a copy of this order.

9. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

08.02.2024

Index : Yes/No
Internet: Yes/No
am



W.P.(MD)No.745 of 2024

To

WEB COPY

- 1.The Dean,
Kanniyakumari Government Medical College,
Asaripallam,
Nagercoil,
Kanniyakumari District.
- 2.The Chief Warden,
CRMI & P.G.Hostel,
Kanniyakumari Government Medical College,
Asaripallam,
Nagercoil,
Kanniyakumari District.
- 3.The Warden (Mess),
CRMI & P.G.Hostel,
Kanniyakumari Government Medical College,
Asaripallam,
Nagercoil,
Kanniyakumari District.



WEB COPY



W.P.(MD)No.745 of 2024

V.BHAVANI SUBBAROYAN, J.

am

W.P(MD)No.745 of 2024

08.02.2024