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W.P.No.10267 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10267 of 2025
and W.M.P.No.11564 of 2025

S.Rajesh

Vs.

.. Petitioner

1. The Director
Directorate Of Medical Education And Research,
Kilpauk, Chennai
- 2.The Superintending Engineer
Public Works Department,
Building Construction And Maintenance Division,
Chepauk, Chennai 5
- 3.The District Collector
Office Of the Distirct Collector,
Thiruvallur, Thiruvallur District.
- 4.The General Manager
Kanchipuram Thiruvallur District,
Co Operative Milk Producers Union Limited,
Kakkalur Milk Dairy, Thiruvallur-602 003.
- 5.The Executive Engineer, PWD
Buildings Construction & Maintenance Division,



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Public Works Department,
Thiruvallur Thiruvallur District

6.The Assistant Executive Engineer PWD
Buildings Construction & Maintenance Division,
Public Works Department, Thiruvallur, Thiruvallur District.

7.The Assistant Engineer PWD
Buildings Construction & Maintenance Division,
Public Works Department, Thiruvallur Thiruvallur District.

8.The Dean
Government Medical College and Hospital,
J.N.Road, Thiruvallur
Thiruvallur District.

.. **Respondents**

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, call for records in pursuant to impugned proceedings dated 23.08.2024 in Na. Ka. No. 1896/P & D 2024 issued by the 8th respodnent - the Dean Thiruvallur Medical College Hospital addressed to the Executive Enginner, PWD (B&M) and the General Manager of Kanchipuram, Thiruvallur District Co operative milk producers Union Limited, the Respondents 4 and 5 herein and quash the same as illegal and against law and against the principles of natural justice and consequently direct the 8th respondent to permit the petitioner to run the Aavin parlor in the newly erected construction and pass such further order.



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For the Petitioner : Mr.Vijayarajan

For the Respondents : Mr.S.Senthil Murugan
Special Government Pleader
for RR2,3,5 to 7
Mr.K.Tippusulthan
Government Advocate
for RR1 & 8

ORDER

The prayer in the Writ Petition is for Certiorarified Mandamus challenging the impugned order dated 23.08.2024. By the said order, when the petitioner is putting up his Aavin Parlour Bunk, the same is now stopped by the 8th respondent.

2. It is stated in the impugned order that unless and otherwise the Public Works Department gives permission, the petitioner is not entitled to proceed further with the installation of the Aavin Parlour Bunk.

3. Upon hearing *Mr.V.Vijayarajan*, the learned counsel for the petitioner and *Mr.Senthil Murugan*, the learned Special Government Pleader for the



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respondents 2, 3, 5 to 7 and *Mr.K.Tippusulthan*, the learned Government Advocate appearing on behalf of the respondents 1 and 8, it can be seen that the petitioner applied for running an Aavin Parlour shop in the premises of the 8th respondent – Hospital. Accordingly, he has been selected and thereafter, he approached the Public Works Department, which also fixed the rent and granted permission. The impugned order goes on the footing that the petitioner did not even obtain any permission from the PWD. The same is factually disputed by the learned counsel for the petitioner, by pointing out the documents that are filed along with the Writ Petition viz., the rental valuation dated 07.05.2024 and the letter of the Superintending Engineer dated 20.06.2024. The learned counsel appearing on behalf of the respondents 1 and 8 would submit that those documents were not furnished to the respondents.

4. In view thereof, the Writ Petition is disposed of on the following terms,

(i) The petitioner along with a copy of this order shall furnish the said documents along with the receipt for the payment of the amount; Upon furnishing thereof, the 8th respondent shall pass orders permitting the petitioner



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for erecting the bunk;

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(ii) The parties shall act upon the web copy of the order and within one week from the date of production of the web uploaded copy of this order, final orders shall be passed by the 8th respondent;

(iii) No costs. Consequently, the associated miscellaneous petition is closed.

28.03.2025

Neutral Citation : No

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To

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4.The General Manager
Kanchipuram Thiruvallur District,
Co Operative Milk Producers Union Limited,
Kakkalur Milk Dairy, Thiruvallur-602 003.

5.The Executive Engineer, PWD
Buildings Construction & Maintenance Division,
Public Works Department,
Thiruvallur Thiruvallur District

6.The Assistant Executive Engineer PWD
Buildings Construction & Maintenance Division,
Public Works Department, Thiruvallur, Thiruvallur District.

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D.BHARATHA CHAKRAVARTHY, J.

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