



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 10962 of 2025

B.J.Kantharaj

S/o. B.R.Joseph, No.102/9, 2nd Floor,
Tripti Apartment, Marshal Road,
Egmore, Chennai- 08.

..Petitioner(s)

Vs

1. The Government Of Tamilnadu
Rep by Its Secretary, Health and Family
Welfare Department, Fort St. George,
Chennai-600 009.
2. The Director Of Medical Education
Office Of The Director Of Medical Education,
Chennai-600 010.
3. The Chief Engineer
Public Works Department, Chepauk,
Chennai-600 005.
4. The Director and Superintendent
The Government Eye and Ophthalmamic
Hospital, Egmore, Chennai-600 008.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing the Respondents herein to pass an order to shift the place of service of running NAESEY Kiosk by the petitioner herein from the allotted place at old Govt. Eye Hospital at Marshal Road, Egmore, Chennai- 600 008 pursuant to the permission granted to the petitioner herein by the 4th Respondent herein in Na.ka. No.4987/Thi. va. 209 dated 29.05.2020 to inside of the compound of newly shifted Govt. Eye



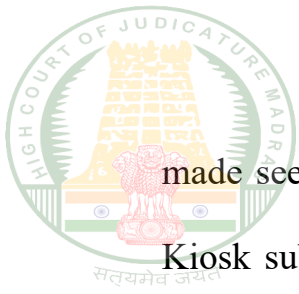
Hospital at Marshal Road, Egmore, Chennai- 600 008 to do continuous best service of selling coffee and tea following to the final order passed in W.P. No. 13864 of 2019 on 23.01.2020 by this Court based on petitioner's representations dated 20.12.2022, 29.11.2023, 30.01.2024 and 04.10.2024 made seeking the relief to allot a vacant place to continue to run NAESEY Kiosk with subject to any condition to be imposed as per G.O.Ms. /1957/ Health dated 07.09.1977 and G.O.Ms. No.1620 (Health and Family Welfare Department) dated 08.09.1978 and G.O. (3D) No.12 Public Welfare Department dated 09.03.2010.

For Petitioner(s): Mr. K.M.Venugopal

For Respondent(s): Mr.J.V.Sakthi Balakrishnan,
For Government

ORDER

The present writ petition has been filed praying for a writ of Mandamus to direct the Respondents herein to pass an order to shift the place of service of running NAESEY Kiosk by the petitioner herein from the allotted place at old Govt. Eye Hospital at Marshal Road, Egmore, Chennai- 600 008 pursuant to the permission granted to the petitioner herein by the 4th Respondent herein in Na.ka. No.4987/Thi. va. 209 dated 29.05.2020 to inside of the compound of newly shifted Govt. Eye Hospital at Marshal Road, Egmore, Chennai- 600 008 to continue service of selling coffee and tea in terms of W.P. No. 13864 of 2019 on 23.01.2020 by this Court based on petitioner's representations dated 20.12.2022, 29.11.2023, 30.01.2024 and 04.10.2024



made seeking the relief to allot a vacant place to continue to run NAESEY Kiosk subject to any condition to be imposed as per G.O.Ms. /1957/ Health dated 07.09.1977 and G.O.Ms. No.1620 (Health and Family Welfare Department) dated 08.09.1978 and G.O. (3D) No.12 Public Welfare Department dated 09.03.2010.

2. This is the second round of litigation. Earlier, petitioner challenged the order dated 07.12.2018, whereby petitioner's request for renewal of license to run the Kiosk Tea shop in the fourth respondent Hospital premises viz. Government Eye and Ophthalmic Hospital, Egmore, was rejected.

3. This Court vide its order dated 23.01.2020, set aside the order with a direction to pass orders afresh after considering the petitioner's request. Pursuant thereto, it is submitted by the learned counsel for respondent, petitioner's request for providing a space to run the NAESEY Kiosk was, in fact, acceded to. Subsequently, the Government Eye Hospital was shifted to the opposite side of the road.

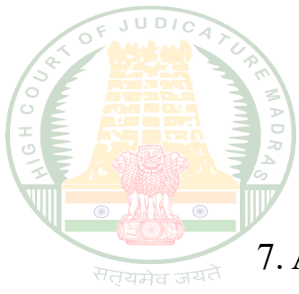
4. At this stage, petitioner has now come forward with the Writ Petition after submitting representations seeking space for running NAESEY Kiosk at the relocated Government Eye Hospital.



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5. Learned counsel for the respondent would submit that they might conduct a feasibility study while considering the petitioner's request for allotting a space to continue with a NAESEY Kiosk.

6. In that view of the matter, taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the respondents to consider the representations dated 20.12.2022, 29.11.2023, 30.01.2024 and 04.10.2024, keeping in view the relevant G.O.s and also the feasibility of allowing them to operate from the new premises, on its own merits and pass appropriate orders in accordance with law, after issuing notice and after affording reasonable opportunity of hearing to petitioner, and any other interested persons within a period of four (4) weeks from the date of uploading of web copy without waiting for receipt of certified copy of the order. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the case on its own merits and in accordance with law.



7. Accordingly, the writ petition stands disposed of. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

jv

To

1. The Secretary
Government Of Tamilnadu,
Health and Family Welfare Department,
Fort St. George, Chennai-600 009.

2. The Director Of Medical Education
Office Of The Director Of Medical Education,
Chennai-600 010.

3. The Chief Engineer
Public Works Department,
Chepauk, Chennai-600 005.

4. The Director and Superintendent
The Government Eye and Ophthalmamic Hospital,
Egmore, Chennai-600 008.



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MOHAMMED SHAFFIQ, J.

jv

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