



W.A(MD)No. 291 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.03.2026

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND
THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.A(MD)No. 291 of 2026
and
C.M.P.(MD) No.2971 of 2026

S.Paul Raj

... Petitioner

Vs

1. The Government Medical College Hospital,
Rep by its Dean,
Virudhunagar Government Medical College Campus,
Ramamoorthy Road,
Virudhunagar District.

2. The Assistant Executive Engineer,
O/o.The Assistant Executive Engineer,
Public Works Department,
Building and Maintenance Section,
(Medical Works), Virudhunagar,
Virudhunagar.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 09.01.2025 in W.P.(MD) No.1966 of 2022.

For Appellant : M/s.T.K.Akalya



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For Respondents : Mr. J.Ashok
Additional Government Pleader

ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

Challenging the order of the learned Single Judge dismissing the writ petition filed challenging the order passed by the first respondent dated 19.01.2022 directing the writ petitioner to vacate the possession of the shop, the appellant is before this Court.

2. The petitioner claims to be a tenant in the Government Medical College Hospital, Virudhunagar and he is running a canteen thereon. The petitioner had been a tenant originally from the year 1987 and he had continued till 2015. Thereafter, he has not renewed the tenancy. In the meanwhile, G.O.Ms.No.93, Public Health and Family Welfare (H-2), dated 25.03.2015, has been issued by the Government, which has been challenged in W.P.(MD) No.7588 of 2015, wherein *status quo* has been ordered by this Court. According to the appellant, only pursuant to the *status quo*, he is continuing further. Now, another G.O.Ms.No.194,



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Public Health and Family Welfare (H2) Department, dated 21.06.2022

was issued by the respondents for public auction. Hence, pursuant to the same, the appellant was directed to vacate the premises. Challenging the said auction of the respondents, the present writ petition has been filed, wherein this Court has dismissed the writ petition directing the respondents to conduct a public auction and the writ petitioner can participate in the auction conducted by the respondents.

3. Heard both sides and perused the entire material.

4. The petitioner originally was allotted a tea shop in the said hospital. Later, the Government Hospital has been upgraded to Medical College from 1997. The writ petitioner and some others are running canteen on lease and the lease was extended only upto 2015. Now, the Government has taken a policy decision and issued G.O.Ms.No.194 for conducting public auction for leasing out the canteens. As the petitioner's period has already been over, as a matter of right he cannot seek the same relief. What is required for the petitioner only to participate in the auction as per the above G.O. If really the petitioner wants to run the canteen, he



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could have very well participated in the public auction as per the above G.O. instead of challenging the order before the Court.

5. Though emphasis has been made that another learned Single Judge has passed an order to consider the grievance of the similarly situated person, we are of the view that the appellant has no right to remain in the property, as the lease has expired. Once the lease has expired, his position will be as a trespasser. Therefore, once the Government has taken a policy decision to lease out the building on public auction, it is for the appellant to participate in the public auction and if he becomes a successful bidder, he can run a tea shop inside the hospital. Hence, we do not find any merits in this writ appeal.

6. With these observations, this Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
apd

[N.S.K., J.] & [M.J.R., J.]
10.03.2026



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O/o.The Assistant Executive Engineer,
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AND
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apd

ORDER MADE IN

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