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Court : Chennai Madurai

Decided On : Nov-04-2016

Judge : V. Bharathidasan

Appeal No. : Writ Petition (MD) No. 19018 of 2016 & W.M.P(MD)No. 13750 of 2016

Appellant : K. Manjula

Respondent : The Project Director, District Planning Implementation Unit, Collectorate Campus, Thanjavur and Others

Judgement :

(Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order of the 2nd Respondent in No.471/S-1/2016 dated 12.8.2016 and quash the same as illegal and consequently direct the 2nd respondent to permit the petitioner to run the Boys Hostel Mess at Government Engineering College Sengipatti Thanjavur.)

Challenging the order dated 12.08.2016 passed by the second respondent directing the petitioner to vacate the premises of the second respondent college, the present writ petition has been filed.

2. Heard Mr.R.R.Kannan, learned counsel appearing for the petitioner and Mr.K.P.Krishnadoss, learned Government Advocate appearing for the respondents.

3. The case of the petitioner, in brief, is as follows:-

The petitioner claims to be a self help group. They were given permission to run a mess in the boys hostel of the second respondent Engineering College for the academic years 2013-2014 and 2014-2015. According to them, they have obtained a loan from the bank and purchased requisite utensils for preparing food in the hostel. However, all of a sudden, the second respondent passed the impugned order directing the petitioner to hand over the premises to the third respondent. They have also requested the respondents stating that they would supply food to the students in an hygienic manner. But the second respondent, without giving any opportunity to the petitioner and without considering the request of the petitioner, passed the impugned order, which is in violation of principles of natural justice and illegal. It is further stated that since the petitioner obtained bank loan for the purpose of purchasing utensils and other products in order to run the mess in the boys hostel and if they are not allowed to run the mess, they are put to irreparable loss and hardship. Challenging the above said order, the present writ petition has been filed.

4. The second respondent filed a counter affidavit denying the averments made in the affidavit filed in support of this writ petition. According to the second respondent, since the food supplied to the students staying in the hostel was not hygienic and in good quality, the students went on strike and they have also requested them to run the mess by themselves by dividing system among the students under the guidance of Principal and Warden. The petitioner assured the second respondent stating that they would vacate the premises and sought one month time. Based on the said assurance given by them, the second respondent passed an order dated 12.08.2016 giving time till 30.09.2016 and the above said order has been served on the Secretary of the petitioner-self help group on 12.08.2016 itself. It is further stated that suppressing all these facts, the present writ petition has been filed.

5. I have considered the submissions made on either side and perused the materials available on record.

6. Admittedly, the permission was granted to the petitioner to run mess only for two academic years namely, for 2013-2014 and 2014 and 2015. The said period has already over and therefore, petitioner has no legal right to continue the mess after the said period. Further, according to the second respondent, the quality and preparation of the food were not hygienic and therefore, the students went on strike and students also requested the respondents to permit them to run the mess by themselves by dividing system among the students under the guidance of Principal and Warden. Apart from that the petitioner also made an assurance before the second respondent stating that they would vacate the premises and sought one month time. Based on the said assurance given by the petitioner, the second respondent passed the impugned order directing the petitioner to hand over the premises and therefore, there is no infirmity or irregularity in the order passed by the second respondent. I find no merit in the writ petition and accordingly, the writ petition is dismissed. No costs. Consequently, W.M.P(MD)No.13750 of 2016 is closed.

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