

Sasikumar V vs State of Kerala

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Court : Kerala

Decided On : Feb-23-2022

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/5480/2022

Appellant : Sasikumar V

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH
WEDNESDAY, THE 23RD DAY OF FEBRUARY 2022 / 4TH
PHALGUNA, 1943 WP(C) NO. 5480 OF 2022 PETITIONER:
SASIKUMAR V AGED 63 YEARS S/O VASU, PANAMOOTTIL, PADA
NORTH P.O.KARUNAGAPPALLY VILLAGE, KOLLAM DISTRICT, PIN-
690 518

BY ADVS. BINU GEORGE HEMALATHA RESPONDENTS: 1 STATE
OF KERALA CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 001. 2 DIRECTOR OF HEALTH
SERVICES, GENERAL HOSPITAL JUNCTION,
THIRUVANANTHAPURAM, PIN-695 035. 3 SUPERINTENDENT,

TALUK HEAD QUARTERS HOSPITAL, KARUNAGAPPALLY, KOLLAM DISTRICT, PIN-690 518 4 DISTRICT MEDICAL OFFICER, OFFICE OF DISTRICT MEDICAL OFFICER, CIVIL STATION, KOLLAM, PIN-691 013. 5 DISTRICT COLLECTOR, CIVIL STATION, KOLLAM, PIN-691 013. SMT.PARVATHY KOTTOL GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 23rd day of February, 2022 The petitioner, who is a Senior Citizen and conducting a Milma Booth in Taluk Head Quarters Hospital, Karunagappally, seeks to direct respondents 3 and 4 to specify a place for the petitioner's Milma Booth in the premises of the Taluk Head Quarters Hospital, Karunagappally.

2. The petitioner states that he is running the Milma

Booth since 1987. Now, the National Highways Authority of India is widening the road. For widening the road, the petitioner's Milma Booth situated in the hospital premises has to be shifted. The 3rd respondent-Superintendent, Taluk Head Quarters Hospital, issued Ext.P6 Notice to the petitioner on 22.12.2021, directing to replace his Milma Booth within 60 days.

3. The petitioner submits that there is sufficient space in

the premises of the Taluk Head Quarters Hospital to accommodate the Milma Booth. If the petitioner is permitted to shift the Milma Booth to any other suitable place within the hospital premises, it will be a great help to the general public and to the petitioner. The petitioner has submitted representations to the authorities concerned in this regard. The respondents may be directed to consider the same.

4. The learned Government Pleader entered

appearance for respondents 1 to 5. The learned Government Pleader submitted that though the petitioner has submitted representations before various authorities, the Superintendent, Taluk Head Quarters Hospital will be the competent authority

to decide the issue. The learned Government Pleader also submitted that the petitioner cannot as of right seek to shift the Milma Booth within the Taluk Hospital premises.

5. I have heard the learned counsel for the petitioner and the learned Government Pleader representing the respondents.

6. Since the petitioner is running the Milma Booth since

1987 and since the petitioner is a Senior Citizen, this Court is of the view that Ext.P7 representation submitted by the petitioner before the Superintendent, Taluk Head Quarters Hospital is liable to be considered in accordance with law. In the circumstances, the writ petition is disposed of directing the 3rd respondent to consider Ext.P7 representation submitted by the petitioner, as expeditiously as possible, at any rate, within a period of four weeks. Sd/- N.NAGARESH JUDGE
spk APPENDIX OF WP(C) 5480/2022 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF LETTER DATED 4.11.1986 BEARING NO QDM-259/501/488 ISSUED BY TRIVANDRUM REGIONAL CO-OPERATIVE MILK PRODUCERS UNION LTD Exhibit P2 A TRUE COPY OF LETTER DATED 11.8.1987 ISSUED BY UNDER SECRETARY GOVERNMENT OF KERALA Exhibit P3 A TRUE COPY OF REGISTRATION CERTIFICATE DATED 22.10.2017 ISSUED BY COMMISSIONERATE OF FOOD SAFETY GOVERNMENT OF KERALA Exhibit P4 A TRUE COPY RECEIPT DATED 12.1.2022 ISSUED BY HOSPITAL MANAGING COMMITTEE Exhibit P5 A TRUE COPY OF LICENSE DATED 12.1.2022 ISSUED BY KARUNAGAPPALLY MUNICIPALITY Exhibit P6 A TRUE COPY OF NOTICE DATED 22.12.2021 ISSUED BY 3RD RESPONDENT Exhibit P7 A TRUE COPY REPRESENTATION DATED 10.1.2022 SUBMITTED BEFORE 3RD RESPONDENT Exhibit P7(A) A TRUE COPY REPRESENTATION DATED 10.1.2022 SUBMITTED BEFORE 3RD RESPONDENT Exhibit P8 A TRUE COPY REPRESENTATION DATED 21.1.2022 SUBMITTED BEFORE THE 5TH RESPONDENT DISTRICT COLLECTOR RESPONDENT'S/S EXHIBITS : NIL