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**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Item No. 107 & 108

**W.P. (C) No. 287 of 2024 with
MC(W.P. (C)) No. 257 of 2024**

P Sosii

... Petitioner

- Versus -

State of Manipur and 3 Ors.

... Respondents

B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

ORDER

15.04.2025

[1] Heard Mr. P. Tomcha, learned counsel appearing for the petitioner and Mr. Th. Sukumar, learned GA appearing for the State respondent.

[2] The petitioner who is a village leader of Phaibung Khullen, Senapati district approached this Court inter-alia praying for upgradation of Primary Health Centre (PHC), Phaibung to Community Health Centre (CHC). The prayer of the petitioner is reproduced herein below:-

- 1) Issue a writ in the nature of mandamus to a writ of Mandamus to expedite the grant of government approval of upgrading PHC Phaibung to CHC as requested by the respondent No. 2 vide his letter dated 20-09-2021 (Annexure-A/3),
- 2) Issue a writ in the nature of mandamus to direct the respondents to consider and dispose of the representations dated 06-10-2023 (Annexure-A/5) and 22-04-2024 (Annexure-A/6),
- 3) Issue such other further order or orders that the Hon'ble Court may deem fit and proper for the ends of justice and of equity.

[3] During the course of hearing, the learned counsel for the petitioner submitted that he is confining to prayer no. 1, with respect to upgradation of PHC, Phaibung to CHC in terms of the recommendation dated 20.09.2021, sent

by the Director of Health Services, Manipur to the Additional Chief Secretary, (Health & Family Welfare), Govt. of Manipur.

[4] In this recommendation dated 20.09.2021, the Director of Health Services, Manipur has recommended for upgradation of PHC Phaibung, PHC Bendramei to CHC and establishment of one PHSC Kanem, Senapati district.

[5] It is submitted that the petitioner is concerned with the upgradation of PHC Phaibung, the same has not been considered by the State authority and the direction may be issued to the State authority to do the needful with respect to the upgradation of PHC Phaibung to CHC.

[6] On the other hand, the learned GA for the State respondent draws the attention of this Court to the contents of the Counter affidavit especially page no. 8 (Annexure- R/1), wherein, it is stated that Primary Health Sub Centre (PHSC), Lakhamai, Senapati has been upgraded to CHC vide order dated 05.01.2024 issued by the Joint Secretary (Health & Family Welfare), Govt. of Manipur in pursuance to the State Cabinet decision after getting approval from the concerned authority.

[7] It is clarified that the newly converted CHC at Lakhamai is situated in the central part of Chilivai area having 21 villages and new CHC has been upgraded considering the grievances of the Phaibung village and hence, no further direction is required.

[8] With regard to the recommendation dated 20.09.2021, the learned counsel for the petitioner submits that the prayer for upgradation of PHC Phaibung to CHC has not been considered till date by the State Authority and the same is not reflected on the perusal of the Counter affidavit specially order dated 05.01.2024 issued by the State authority for upgrading of PHSC Lakhamai, Senapati to CHC.

[9] It is submitted that the direction may be issued to the State respondent to consider the case for upgradation of PHC Phaibung to CHC, in terms of the recommendation dated 20.09.2021 made by the Director of Health Services, Manipur.

[10] This Court has perused the material available on records and considered the submissions made at the bar. The present writ petition may be disposed of by issuing direction to the State respondent to consider feasibility for upgradation of PHC Phaibung to CHC as recommended by the Director of Health Services, Manipur.

[11] The petitioner is also permitted to submit fresh inputs and additional documents, if any, to the State authority within a period of 1(one) month from the date of receipt of a copy of this order and the State authority shall also consider the recommendation dated 20.09.2021, issued by the Director of Health Services, Manipur and shall pass an speaking order within a period of 2(two) months from the date of receipt of fresh inputs & additional documents submitted by the petitioner.

[12] It is clarified that this Court does not express any opinion on the merit of the case.

[13] With these observations, the present W.P. (C) No. 287 of 2024 along with MC(W.P. (C)) No. 257 of 2024 is disposed of.

[14] Furnish a copy of this order to the learned counsel for the parties.

JUDGE

Thoiba