

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No. 1379 of 2015 (S)

PETITIONER(S):

**CITIZEN AGAINST CORRUPTIONS AND INJUSTICE,
REPRESENTED BY ITS CHIEF CO-ORDINATOR,
SRI.SREEDHARAN THERAMBIL, MEDICAL COLLEGE P.O.,
THRISSUR PIN - 680 596.**

BY ADV. SRI.T.RAJASEKHARAN NAIR

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
HEALTH & FAMILY WELFARE DEPARTMENT (P),
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR OF HOMEOPATHY,
HOMEO DIRECTORATE, THIRUVANANTHAPURAM - 695 001..**
- 3. THE DISTRICT MEDICAL OFFICER (HOMEO),
DISTRICT MEDICAL OFFICE, THRISSUR - 680 001.**
- 4. THE DISTRICT COLLECTOR,
COLLECTORATE, THRISSUR - 680 001.**
- 5. THE DEPUTY COMMISSIONER,
SALE TAX (COMMERCIAL) DEPARTMENT, AYYANTHOL,
THRISSUR - 680 001.**

BY SENIOR GOVERNMENT PLEADER SRI.P.IDAVIS

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 1379 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 - A TRUE PHOTOCOPY OF THE JUDGMENT IN WPC.NO.23609/2012 PASSED BY THIS COURT.

EXT.P2 - A TRUE PHOTOCOPY OF THE REQUEST SUBMITTED BY THE 3RD RESPONDENT TO THE 4TH RESPONDENT.

EXT.P2(A) - ENGLISH TRANSLATION OF EXHIBIT P2.

EXT.P3 - A TRUE PHOTOCOPY OF THE ONE OF THE NEWS ITEMS CAME IN MALAYALA MANORAMA DAILY ON 20-11-2014.

EXT.P3(A) - ENGLISH TRANSLATION OF EXHIBIT P3.

EXT.P4 - A TRUE PHOTOCOPY OF THE NEWS ITEM CAME IN MADHYAMAM MALAYALAM DAILY ON 20-11-2014

EXT.P4(A) ENGLISH TRANSLATION OF EXHIBIT P4.

EXT.P5 - A TRUE PHOTOCOPY OF THE SUCH NEWS ITEM CAME IN MANGALAM MALAYALAM DAILY ON 20-11-2014.

EXT.P5(a) - ENGLISH TRANSLATION OF EXHIBIT P5.

EXT.P6 - A TRUE PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT .

EXT.P6(a) - ENGLISH TRANSLATION OF EXHIBIT P6.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

**ASHOK BHUSHAN, Ag.CJ
& A.M.SHAFFIQUE, J.**

W.P.C.No.1379 of 2015

Dated this the 30th day of January 2015

J U D G M E N T

Shaffique,J

This writ petition is filed in the form of a public interest litigation seeking the following reliefs:

“(i) To issue a writ of mandamus or other appropriate writ or order or direction, directing the 5th respondent to provide direct access from the main public road to the District Homoeo hospital compound by demolishing the compound wall constructed by them with immediate effect.

(ii) To issue a writ of mandamus or other appropriate writ or order or direction, directing the respondents 1 to 4 to take appropriate and immediate steps to ensure that the 5th respondent has provided direct access from the public road to the Homoeo hospital complex.”

2. Petitioner claims to be a public spirited organisation espousing the cause of general public. It is indicated that the District Homoeo hospital situated in

Thrissur is being shifted to a new premises wherein, land was allotted by the Government to Sales Tax Department, Scheduled Caste/Scheduled Tribe Department and space for construction of Homoeo hospital.

3. The complaint of the petitioner is with reference to the access to the Homoeo hospital. It is submitted that there is no access to the Homoeo hospital from the main road namely Thrissur-Kozhikode road. Kerala State Road Transport Corporation bus stand as well as Railway station are situated near the main road and unless access is provided from the main road to the Homoeo hospital, the patients who come to the hospital will suffer severe hardship. The present road access is through a pocket road which is about 2 Kms away from the bus stand as well as the railway station. Though proper representations had been given to the competent authorities, no action had been taken. The learned Government Pleader, on instructions, would submit, on the basis of a rough sketch, that the Sales

Tax Department is having access from the main road as well as from the pocket road. They are in possession of 93 cents of land and they require an enclosed area for other activities which involve keeping in custody of the vehicles seized by the Department as well. The Homoeo hospital premises as well as the premises allotted to the SC/ST department are on the southern side of the property allotted to the Sales Tax Department. The hospital plot is on the western side and the SC/ST Department plot is on the eastern side. In fact, the property allotted to SC/ST Department has access on the eastern side to the main road. But, in between, there are lot of encroachments which cannot be removed easily and therefore such an access cannot be provided through the eastern side. Access to the Homoeo hospital is from the pocket road which is about 2 Kms away from the main road.

4. Having gone through the sketch provided by the learned Government Pleader, we are of the view that the cause projected by the petitioner is reasonable. Unless

proper access is provided to the Homoeo hospital from the main road, it might be difficult for the patients and others to enter the said premises especially those using the main road. The bus stop is also situated on the eastern side of the aforesaid plots. Under such circumstances, it is for the authorities to consider whether all the three Departments can be given a common or separate access from the main road without affecting their functions in any manner. This may augment the necessity projected by the petitioner. That apart, it will also give main road access for the plot allotted to the SC/ST Department.

5. Having regard to the aforesaid reasonableness of the demand made by the petitioner, we are of the view that this matter has to be considered by the District Collector by convening necessary conference including the representatives of the above three Departments.

In the result, this writ petition is disposed of as under:

Petitioner shall submit a representation to the 4th

respondent/District Collector, who shall convene a meeting including the representatives of the Sales Tax Department, SC/ST Department as well as the District Medical Officer (Homoeo) and take an appropriate decision to ensure that an access is provided to all the plots allotted to the three Departments from the main road. Necessary decision in this regard shall be taken within a period of three months from the date of receipt of the representation, along with a copy of this judgment

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**(ASHOK BHUSHAN,
ACTING CHIEF JUSTICE)**

(A.M.SHAFFIQUE, JUDGE)

jsr

