

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No. 16676 of 2015 (S)

PETITIONER :

MUHAMMED SALIM C.K. @ SALIM MADAVOOR AGED 41 YEARS
S/O. C.K.ABDUL RAHIMAN, PRESIDENT,
YUVA JANATHADAL (U) STATE COMMITTEE, GANDHI BHAVAN
TOWN HALL ROAD, KOZHIKODE-673 001 (KANIV, MADAVOOR P.O.
NARIKUNI-VIA, KOZHIKODE DISTRICT, PIN-673 585).

BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.T.ABHILASH

RESPONDENTS :

1. GOVERNMENT OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF HEALTH & FAMILY WELFARE
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. DIRECTOR OF MEDICAL EDUCATION
MEDICAL EDUCATION DIRECTORATE, NEAR GENERAL HOSPITAL
THIRUVANANTHAPURAM-695 035.
3. DISTRICT COLLECTOR
COLLECTORATE, KOZHIKODE, PIN-673 020 (CHAIRMAN
HOSPITAL DEVELOPMENT SOCIETY
MEDICAL COLLEGE HOSPITAL, KOZHIKODE).
4. PRINCIPAL
GOVERNMENT MEDICAL COLLEGE, KOZHIKODE, PIN-673 008.
5. HOSPITAL DEVELOPMENT SOCIETY
MEDICAL COLLEGE HOSPITAL, MEDICAL COLLEGE P.O.
KOZHIKODE-673 008, REPRESENTED BY ITS SUPERINTENDENT.

BY SPL.GOVERNMENT PLEADER, SMT. GIRIJA GOPAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
01-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 16676 of 2015 (S)

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1- TRUE COPY OF THE LETTER DATED 9-9-2013 OF THE 3RD RESPONDENT
ADDRESSED TO THE 1ST RESPONDENT.

EXHIBIT P2- TRUE COPY OF THE LETTER DATD 26-6-2014 OF THE 5TH
RESPONDENT, FORWARDED TO THE 4TH RESPONDENT.

EXHIBIT P3- TRUE COPY OF THE LETTER DATED 26-6-2014 OF THE 5TH
RESPONDENT, FORWARDED TO THE 4TH RESPONDENT.

EXHIBIT P4- TRUE COPY OF THE LETTER DATED 4-7-2014 OF THE 4TH RESPONDENT,
FORWARDED TO THE 2ND RESPONDENT.

EXHIBIT P5- TRUE COPY OF THE RELEVANT PORTION OF THE LETTER
DATED 14-5-2015 SUBMITTED BY THE PROFESSOR, DEPARTMENT
OF RADIO DIAGNOSIS, TO THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.

W.P.(C) No. 16676 OF 2015

Dated this the 1st day of July, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

Heard learned counsel for the appellant and learned Special Government Pleader appearing on behalf of the respondents.

2. This writ petition is filed as a Public Interest Litigation seeking the following reliefs:

"i. Issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents 1 and 2 to issue necessary administrative sanction/permission to the respondents 3 to 5 for establishing 64 slice CT Scanner at the Medical College Hospital, Kozhikode, forthwith;

ii. Issue a writ of mandamus or any other appropriate writ, order or direction commanding the 1st respondent to consider and dispose of Ext.P1 request submitted by the 3rd respondent, forthwith;

iii. Issue such other writ, order or direction which may deem fit in the circumstances of the case."

3. The petitioner's grievance is that though the Kozhikode Medical College Hospital has all funds for establishing a 64 slice CT Scanner, but at this juncture no

permission being granted by the State Government, the CT scanner could not be established.

4. Learned Special Government Pleader was allowed time to get instructions. After obtaining instructions learned Special Government Pleader submitted that Government has already granted permission on 25.06.2015 and a copy of the Government Order has also been produced before the Court in which administrative sanction has been granted subject to the conditions therein.

In view of the fact that the relief as claimed by the petitioner having been granted by the State Government, we see no reason to keep the writ petition pending. Accordingly, the Writ Petition is closed.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**