

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 20726 of 2015 (M)

PETITIONER:

**SAJITHA MUMTHAZ, AGED 39 YEARS,
D/O. POTTAYIL UNNEEN, KARUVARAKUNDU
AMSOM AND DESOM, NILAMBUR TALUK,
KARUVARAKUNDU P.O,
MALAPPURAM DISTRICT - 676 523.**

BY ADV. SRI.JELSON J.EDAMPADAM

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE PRINCIPAL SECRETARY TO GOVERNMENT,
AGRICULTURAL DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE PRINCIPAL SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM - 695 001.**
- 4. THE AGRICULTURAL OFFICER,
KRISHI BHAVAN, VAZHAKKAD,
MALAPPURAM DISTRICT - 673 640.**

BY GOVERNMENT PLEADER SRI.T.P.SAJID

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1 : TRUE COPY OF THE DECISION DATED 11-04-2012 TAKEN BY THE BOARD OF DIRECTORS OF AL-NOOR HOSPITAL.
- EXHIBIT P2 : TRUE COPY OF THE APPLICATION DATED 19-04-2012 SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE MINISTER FOR REVENUE.
- EXHIBIT P3 : TRUE COPY OF THE REPORT DATED 18-3-2013 SUBMITTED BY THE 4TH RESPONDENT AFTER SITE INSPECTION.
- EXHIBIT P4 : TRUE COPY OF THE ORDER DATED 10-07-2014 ISSUED BY THE AGRICULTURAL PRODUCTION COMMISSIONER TO THE 4TH RESPONDENT.
- EXHIBIT P5 : TRUE COPY OF THE REPRESENTATION DATED 10-01-2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXHIBIT P6 : TRUE COPY OF THE LETTER DATED NIL, SENT BY SRI E.AHMED MP, TO THE 2ND RESPONDENT STATING THAT THE HOSPITAL OF THE PETITIONER IS BENEFICIAL TO THE GENERAL PUBLIC.
- EXHIBIT P7 : TRUE COPY OF THE LETTER DATED NIL, SENT BY SRI.E.T. MUHAMMED BASHEER, MP, TO THE 2ND RESPONDENT INFORMING THE GOVERNMENT THAT THE HOSPITAL OF THE PETITIONER IS BENEFICIAL TO THE LOCAL PUBLIC AND THE PEOPLE OF THE ENTIRE MALAPPURAM DISTRICT.
- EXHIBIT P8 : TRUE COPY OF THE LETTER DATED NIL, SENT BY SRI.MUHAMMEDUNNI HAJI, LOCAL MLA TO THE 2ND RESPONDENT STATING THAT THE HOSPITAL OF THE PETITIONER IS CONDUCTING FREE DIALYSIS CENTRE WITH PARTICIPATION OF THE LOCAL PEOPLE.
- EXHIBIT P9 : TRUE COPY OF THE REPRESENTATION DATED 3.8.15 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXHIBIT P10 : TRUE COPY OF THE G.O.(MS)NO.14/2012/AGRI. DATED 21.1.12 ISSUED BY THE GOVERNMENT OF KERALA.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 20726 of 2015

Dated this the 16th day of October, 2015

JUDGMENT

The petitioner approached this Court aggrieved by non-consideration of Ext.P9 representation before the 2nd respondent. The petitioner sought for reclamation of a land treated as Nilam in the Draft Data Bank for the purpose of establishing a hospital to sub-serve the interest of the public residing in and around proposed hospital.

2. The learned counsel for the petitioner submits that no other hospital is available to offer service to the public and it would come within the Scheme of the Government. Ext.P9 is the representation. It also refers to an order of the Government produced in Ext.P10 wherein the Government has granted permission to one Co-operative hospital to establish the hospital in a land included in the Draft Data Bank.

3. This Court is of the view that it is for the Government to determine what would constitute the scheme of the Government and the Government may take a decision on Ext.P9 representation after adverting to Ext.P10 within a period of two months. Needless to say, the petitioner shall also be heard.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE,
JUDGE

bpr