

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 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).No. 25518 of 2015 (S)

PETITIONER :

**NARAYANAN UNNI, AGED 55 YEARS,
S/O.SATHYAPALA MENON, ARUNALAYAM, CHITTUR,
PALAKKAD.**

BY ADV. SRI.U.BALAGANGADHARAN

RESPONDENT(S):

- 1. THE PRESIDENT,
DISTRICT PANCHAYAT, NEAR CIVIL STATION,
PALAKKAD -678 001.**
- 2. THE MEDICAL SUPERINTENDENT,
DISTRICT HOSPITAL, PALAKKAD- 678 001.**
- 3. THE DISTRICT MEDICAL OFFICER, (H),
CIVIL STATION, PALAKKAD -678 001.**
- 4. THE DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM -695 001.**
- 5. THE ASSISTANT EXECUTIVE ENGINEER (BUILDINGS),
POWER WORKS DEPARTMENT, PALAKKAD -678 001.**
- 6. THE STATE OF KERALA, REP.BY SECRETARY,
HEALTH AND FAMILY WELFARE DEPARTMENT,
THIRUVANANTHAPURAM -695 001.**

**R1 BY SRI.P.K.NIJOY, SC, PALAKKAD DISTRICT PANCHAYAT
R2 TO R6 BY SPL.GOVERNMENT PLEADER SMT. GIRIJA GOPAL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).No. 25518 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE DISCHARGE SUMMARY DATED 18.7.15 ISSUED BY SREE SUDHEENDRA MEDICAL MISSION, ERNAKULAM.**
- EXHIBIT P2. COPY OF THE DISCHARGE SUMMARY OF DISTRICT HOSPITAL, PALAKKAD DATED 20.7.15.**
- EXHIBIT P3. COPY OF THE DISCHARGE CARD OF LAKSHMI HOSPITAL, PALAKKAD DATED 1.8.15.**
- EXHIBIT P4. COPY OF THE DISCHARGE BILL OF THE LAKSHMI HOSPITAL, PALAKKAD DATED 1.8.15.**
- EXHIBIT P5. COPY OF THE CASH RECEIPTS ISSUED BY DOCTORS DATED 1.8.15 WHO PARTICIPATED IN SURGERY IN LAKSHMI HOSPITAL.**
- EXHIBIT P6. COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE GOVT. DATED 2.8.15.**

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.25518 of 2015

Dated this the 14th day of October 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court in a public interest litigation seeking the following reliefs:

“1. Issue writ in the nature of mandamus commanding respondent No.1 and 5 to complete all repair works of the operation theatre of Palakkad District Hospital within 7 days and make it fully functional on war footing manner.

2. Writ in the nature of mandamus commanding the second respondent to make alternate arrangements to undertake all surgical procedures in nearby Taluk Head quarters hospitals by deploying/deputing necessary number of doctors to such Taluk Head Quarters hospitals.

3. Writ in the nature of mandamus commanding 5th respondent to undertake periodic and preventive maintenance of all civil and electrical installations in the District Hospital.

4. Writ in the nature of mandamus commanding the 2nd respondent to arrange Mini

Operation Theatre with all facilities to undertake major surgical procedures and operations.

5. *Writ in the nature of mandamus commanding the 1st respondent to enquire into the serious lapse and submit the report to the Govt. for further necessary action to avoid recurrence of such contingencies.*

6. *Writ in the nature of mandamus to first respondent to set up alternative Operation Theatre in District Hospital with all facilities as standby to undertake surgical procedures during the maintenance and break down of main operation theatre.*

7. *Such other relief that the Hon'ble Court feel deem fit in the facts and circumstances of the case.*

8. *Award cost of the petition to the petitioner."*

2. The substantial grievance of the petitioner is regarding non-functioning of the operation theatre in the District Hospital, Palakkad.

3. A statement has been filed by the 3rd respondent in which it is stated that emergency operation theatre had already been set after annual routine maintenance, which is functioning from 27/07/2015 after necessary sterilization process as per the medical standards. It is stated that the operation theatre in the District Hospital, Palakkad has become fully functional by

23/09/2015.

4. Having regard to the fact that necessary steps have already been taken by the Government in this regard, we do not think that any further direction is required to be passed in this writ petition.

We make it clear that the 1st respondent shall provide necessary infrastructure facilities for the hospital.

This writ petition is closed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)
(sd/-)
(A.M.SHAFFIQUE, JUDGE)

True Copy

PA to Judge

jsr/14/10/2015

