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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.06.2015

Coram:

THE HONOURABLE Mr.JUSTICE S.MANIKUMAR
and
THE HONOURABLE Ms.JUSTICE V.M.VELUMANI

Writ Petition (MD)No.8014 of 2015

K.K.Ramesh

... Petitioner

vs.

1.The Government of India,
rep.by its Secretary,
Ministry of Health,
New Delhi.

2.All India Institute of Medical Sciences,
rep.by its Director,
Ansari Nagar,
New Delhi-110 029.

3.The Government of Tamil Nadu,
rep.by its Chief Secretary,
Fort St.George, Secretariat,
Chennai-600 009.

4.The Government of Tamil Nadu,
rep.by its Principal Secretary,
Health Department,
Fort St.George, Secretariat,
Chennai-600 009.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents to establish the All India Institutes of Medical Sciences Hospital in Madurai District, for the welfare of South Tamil Nadu people, which covers more than 15 districts and many points of Kerala State, so that the people will get high standard medical facility and income will be increased leading to enhance the prosperity and economic development of South Tamil Nadu people and also all basic infrastructures are abundantly available in Madurai District to establish AIIMS Hospital, by considering the petitioner's representation dated 06.04.2015.



For Respondents
1 & 2

: Mr.R.Murugappan,
CGSC.

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For Respondents 3 & 4

: Mr.C.Selvaraj,
Spl.Govt.Pleader.

ORDER

(Order of the Court was made by **S.MANIKUMAR, J**)

K.K.Ramesh, Managing Trustee, Centre for Public Interest Litigation, Madurai, has sought for a writ of mandamus, directing the respondents to establish All India Institute of Medical Sciences (AIIMS) Hospital in Madurai District, by considering his representation, dated 06.04.2015.

2.According to the petitioner, establishment of AIIMS Hospital in Madurai District would help the people, covering more than 15 districts, to have adequate medical facilities. To consider the relief sought for in this writ petition, he has sent a representation, dated 06.04.2015, to the respondents.

3.Record of proceedings shows that when the matter came up for hearing on 13.05.2015, during summer vacation, having regard to the averments made in support of the relief sought for that if AIIMS Hospital is located in Madurai District, it would sub-serve public interest, a Hon'ble Division Bench has directed the learned Special Government Pleader to take notice and get instructions.

4.Reverting to the same, on written instructions from the Secretary to Government, Health and Family Welfare Department, dated 17.06.2015, Mr.C.Selvaraj, learned Special Government Pleader appearing for respondents 3 and 4, submitted that the Government of Tamil Nadu have identified five places, namely, Chengalpatti in Kancheepuram District, Pudukkottai Town in Pudukkottai District, Sengipatti in Thanjavur District, Perundurai in Erode District and Thoppur in Madurai District, for establishment of AIIMS Hospital. He further submitted that proposals have been sent to the Government of India and a Central Team of Government of India has also visited the State. He also added that the Government of India is yet to take a decision on the location and establishment of AIIMS Hospital, in the State of Tamil Nadu, based on the recommendation of the Central Team, which had already inspected the locations.

5.From the above submission, it could be deduced that the Government of Tamil Nadu have already taken-up the issue of establishment of AIIMS in the State and it is being followed-up. Though we appreciate the desire of the petitioner for establishment of AIIMS Hospital at Madurai, for the benefit of the people in southern districts of Tamil Nadu, we cannot issue any mandamus to the respondents that AIIMS Hospital should be established only at Madurai. Establishment of an AIIMS Hospital in Tamil Nadu, in any one of the places, for which project proposals have been sent, is, entirely left to the decision of the



Government of India, based on the recommendations of the Central Team, and the decision is stated to be awaited. When the Government of Tamil Nadu has already taken-up the issue, we are not inclined to direct the respondents, particularly respondents 1 and 2, to consider the representation of the petitioner, as it would open a pandora's box for the residents of other districts to send similar representations, for which a mandamus may even be called for to consider. However, we only wish to state that respondents 1 and 2 may take appropriate decision, as expeditiously as possible.

6. With the above observation, the writ petition is dismissed.
No order as to costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary,
Government of India,
Ministry of Health,
New Delhi.
2. The Chief Secretary,
Government of Tamil Nadu,
Fort St. George, Secretariat,
Chennai-600 009.
3. The Principal Secretary,
Government of Tamil Nadu,
Health Department,
Fort St. George, Secretariat,
Chennai-600 009.
4. The Director
All India Institute of Medical Sciences,
Ansari Nagar, New Delhi-110 029.

+1cc to Mr.K.K.Ramesh, Party-in-person, Advocate Sr.No.32465
+1cc to The Spl.Govt.Pleader, Sr.No.32633

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akm/PPS/22.06.15/3P-7C/