

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.13115 of 2016

R.Uma

... Petitioner

Vs.

1. The District Collector,
Villupuram District,
Villupuram.
2. The Principal,
Government Medical College & Hospital,
Mundiyampakkam,
Villupuram District.
3. The Assistant Engineer,
Public Works Department,
Medical Services (C & M),
Collectorate Complex,
Villupuram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to put up a Gate in the compound wall which is under construction opposite to Emergency Ward of the Government Medical College Hospital, Mundiaympakkam, Villupuram District by considering the petitioner's representation dated 11.03.2016.

For Petitioner : Mr.C.Munusamy

For respondents : Mr.V.Jayapraksh Narayanan,
Special Government Pleader

ORDER

This writ petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, directing the respondents to put up a Gate in the compound wall, which is under construction, opposite to Emergency Ward of the Government Medical College Hospital, Mundiaympakkam, Villupuram District, by considering the petitioner's representation dated 11.03.2016.

2. In the affidavit filed in support of the writ petition, it has been averred by the petitioner, inter alia, as follows:-

2-1. The petitioner is a permanent resident of Mundiampakkam, Villupuram Taluk, Villupuram District. She owns land measuring to an extent of one acre and two cents in Survey Nos. 178/4, 178/5, 178/6 and 178/7 situated at Mundiampakkam Vilalge, Villupuram District. The said land is situated on the northern side to the Government Medical College and Hospital, Mundiampakkam. She has constructed a commercial complex consisting of fifteen shops. She has rented out all the shops, in which the tenants are running Medical Shops, Hotels, Textile shop, etc. There is a twenty feet pathway running from West to East direction, in between the shops and the Medical College Premises. The said pathway is connecting the local villages with National Highway-45. The people living in the vicinity, employees of the hospital, patients, school students, agriculturists, vehicles etc are using the said 20 feet pathway for years together without any hindrance from any quarters or whatsoever.

2-2. While such being so, the Government Medical College authorities have constructed a compound wall on the northern side of the hospital premises by blocking entire pathway. Therefore, the patients, attenders, employees of the hospital, school students and other local villagers could not use the 20 feet pathway. Apart from that, the access to the shops was totally blocked, thereby causing total loss to the business of the shop owners. The hospital authorities can very well put up an entrance or gate while constructing compound wall on the northern side of the hospital, which would be very useful to the public as well as shop owners. No prejudice would be caused to the administration of the hospital in putting Gate in northern side of the compound wall opposite to Emergency Ward and Outpatient block of the hospital. In this regard, on 11.03.2016 the petitioner has given a representation to the respondents; but, no action was taken by the respondents. Hence, the petitioner has come forward with the present writ petition.

3. Heard both sides and perused the materials available on record.

4. Considering the facts and circumstances of the case, without expressing any opinion on the claim made by the parties, this Court directs the 2nd respondent to consider the representation dated 11.03.2016 given by the petitioner, after affording an opportunity of personal hearing to the petitioner as well as to other necessary parties, if any, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of.

No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssv

To

1. The District Collector,
Villupuram District,
Villupuram.
2. The Principal,
Government Medical College & Hospital,
Mundiyampakkam,
Villupuram District.
3. The Assistant Engineer,
Public Works Department,
Medical Services (C & M),
Collectorate Complex,
Villupuram.

+1cc to Mr.C.Munusamy, Advocate, S.R.No.25273
+1cc to the Government Pleader, S.R.No.25425

W.P.No.13115 of 2016

PVS (CO)
CA(26/05/2016)

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