

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.33751 of 2016

and

W.M.P.No.29124 of 2016

Robert Kennedy ... Petitioner

-vs-

1.M/s. DD Medical College and
DD Hospitals,
rep. by its Chairman Mr.T.D.Naidu,
No.61, DD Nagar Bus Stop,
Kunnavalam P.O.,
Thiruvallur Taluk & District-631 210.

2.Union of India,
rep. by its Secretary,
Health and Family Welfare Department,
A Wing, Nirman Bhawan, Maulana Azad Road,
New Delhi-110 011.

3.M/s.Medical Council of India,
rep. by its Chairman,
Pocket 14, Sector 8,
Dwaraka Phase 1, New Delhi-110 077.

4.State of Tamilnadu,
rep. by its Secretary,
Health and Family Welfare Department,
Namakkal Kavignar Maaligai,
Fort St. George,
Chennai-600 09.

5.The Directorate of Medical Education,
156, Poonamallee High Road,
New Bupathy Nagar,
Chetpet, Chennai-600 031.

6.The Registrar,
Tamilnadu Dr. M.G.R. University,
No.69, Anna Salai,
Guindy, Chennai-600 032.

7.The Director General of Police,
State of Tamilndu,
Dr. Radhakrishnan Salai,
Mylapore, Chennai-600 004.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 2 to 6 to take over the administration and management of the first respondent college and hospital and run the same in the welfare of public by converting the same as one of Government aided medical college & hospital of the State of Tamilnadu.

For Petitioner : Mr.G.Vijayakumar

For Respondents : Mr.S.Janarthanan for R2

Mr.M.K.Subramanian
Govt. Pleader for R4, R5 & R7

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The closure of the college run by the first respondent gave rise to multiple litigation including by the college and the students. In the proceedings initiated by a student, a statement was made by the learned Advocate General on 28.11.2013 that State is prepared to consider taking over the institution, provided the assets and liabilities are disclosed and that the State would be inclined to take over the institution only without liability.

2. The aforesaid statement is now sought to be used by the petitioner herein to initiate public interest litigation for take over of the college. On our query, nothing has been shown as to how the petitioner is concerned with the dispute or has any special knowledge to initiate public interest litigation. We are informed that the properties of the college vest with the first respondent and there are some proceedings by the Enforcement Directorate by attachment.

3. In our view, only the concerned authorities would be able to resolve the issue, whether the college can run or not and in what circumstances, and not by the direction of this Court in a public interest litigation.

4. The writ petition is dismissed. No costs. Consequently, W.M.P.no.29124 of 2016 is also dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
Health and Family Welfare Department,
A Wing, Nirman Bhawan, Maulana Azad Road,
New Delhi-110 011.
- 2.The Chairman,
Medical Council of India,
Pocket 14, Sector 8,
Dwaraka Phase 1, New Delhi-110 077.
- 3.The Secretary,
State of Tamilnadu,
Health and Family Welfare Department,
Namakkal Kavignar Maaligai,
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- 4.The Directorate of Medical Education,
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- 6.The Director General of Police,
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Dr. Radhakrishnan Salai,
Mylapore, Chennai-600 004.

+9ccs to Mr.D. Karthick, Advocate, S.R.No.54744
+1cc to the Government Pleader, S.R.No.54802

CTR(CO)
EU(30/09/2016)

W.P.No.33751 of 2016