



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.01.2017
CORAM :

THE HONOURABLE MR. JUSTICE K. RAVICHANDRA BAABU

W.P.(MD)No.11550 of 2015

and

M.P(MD)Nos.1 & 2 of 2015 and WMP(MD)No.8117 of 2016

B. Boopathy Rajaram

... Petitioner

vs.

1) The Secretary to the Government,
Department of Health,
Fort St. George, Secretariat,
Chennai.

2) The Director,
Public Health and Preventive Medicine,
Chennai-6.

3) The District Collector,
Virudhunagar District, Virudhunagar.

4) The Deputy Director,
Health Services, Sivakasi,
Virudhunagar District.

5) The Executive Engineer,
Building (Construction and Maintenance)
Circle (Medical Works)
Public Works Department,
Tallakulam,
Madurai - 625 002.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned tender notification of 5th respondent dated 01.06.2015 for construction primary health center at Burma Colony, Erichanatham Village, Sivakasi Taluk, Virudhunagar District and quash the same, consequently direct the respondents to construct primary health center in Survey No.927 and 930 situate at Erichanatham Revenue Village, Kummilankulam Panchayat, Sivakasi Taluk, Virudhunagar District.

For Petitioner
For Respondents

<https://hcservices.ecourts.gov.in/hcservices/>

: Mr. S. Ramasamy
: Mr. C. Selvaraj
Special Government Pleader

**ORDER**

The petitioner is aggrieved against the Tender notification issued by the 5th respondent dated 01.06.2015 for constructing a Primary Health Centre at Burma Colony, Erichanatham Village, Sivakasi Taluk, Virudhunagar District and consequently seeking for a direction to the respondents to construct the said Primary Health Centre in his village, namely, Erichanatham Revenue Village in Kummilankulam Panchayat.

2. The grievance of the petitioner is that the present construction of the Primary Health Centre at Burma Colony, Erichanatham is 3 kms away from the petitioner's Village and therefore, it would be difficult for the petitioner to reach all the way to such place. Therefore, the petitioner wanted the Health Centre to be established in his Village at the site already notified.

3. Per contra, it is submitted by the learned Special Government Pleader that the site originally shown at the petitioner's village is found unsuitable, in view of the fact that there is a quarry situated nearby, apart from are electricity transformer located therein.

4. Upon hearing the learned counsel on either side, this Court is of the considered view that when the authorities have found that the place at the petitioner's Village is not suitable for establishing the Primary Health Centre and chosen a place in a nearby Village, which is also admittedly, within 3 kms from the petitioner's village and started establishing the Primary Health Centre at that Village, namely, Burma Colony, Erichanatham Revenue Village, I do not think that the petitioner can have any grievance, more particularly, when the Health Centre at the said Village can cater the need of the petitioner's village people as well. Therefore, I find that the present writ petition filed by the petitioner is not having any merits. Accordingly, the same is dismissed. Consequently, connected Miscellaneous Petitions M.P.Nos.1 and 2 of 2015 and WMP No.8117/2016 are closed. No costs.

Sd/
Assistant Registrar(CO)

/TRUE COPY/



To

1) The Secretary to the Government,
Department of Health,
Fort St. George,
Secretariat,
Chennai.

2) The Director,
Public Health and Preventive Medicine,
Chennai-6.

3) The District Collector,
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+1cc to M/s.S.Ramasamy, Advocate, in SR No.1285
+1cc to Special Government Pleader in SR.No. 1143

rr

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