

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 07.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 12011 of 2017

B. Karthee

... Petitioner

Vs.

1. The State of Tamil Nadu represented by,
The Principal Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
 2. Union of India represented by,
The Principal Secretary,
Department of Ayurvedam, Yoga @ Naturopathy,
Unani, Siddha & Homeopathy (AYUSH),
Ministry of Health and Family Welfare,
Government of India,
IRCS Annexe Building,
No.1, Red Cross Road,
New Delhi-110 001.
 3. Additional Chief Secretary/Commissioner
Indian Medicine and Homoeopathy,
Arumbakkam,
Chennai 600 106.
 4. The Dean,
Government Homeopathy Medical College,
Thirumangalam, Madurai.
- ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, direct the respondents to inaugurate the in patients and out patients block new building in the Government Homeopathic Medical College and Hospital (GHMCH) Tirumangalam, Madurai District for the benefit of the patients and medical students within the time stipulated by this Court.



For Petitioner : Mr.R.Alagumani
For R1 & R4 : Mr.M.Govindan
Special Government Pleader
For R2 & R3 : Mr.N.Shanmuga Selvan

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O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner filed this writ petition in *pro bono publico* alleging that notwithstanding the completion of construction of the in patients and out patients block at Government Homeopathic Medical College and Hospital (GHMCH), Tirumangalam, Madurai District, follow up action was not taken for opening the building.

2. Since a genuine cause was taken up by the petitioner, the following order was passed on 19.07.2017.

"This Court, taking into account the contention taken by the petitioner, passed the following order on 19 July, 2017:

"Dr.P.Rathamani, Principal i/c, Government Homeopathic Medical College and Hospital, Thirumangalam, Madurai District, is present in Court, pursuant to the direction given by this Court.

2. We have ensured her presence on account of the undue delay in opening the new building constructed for the Government Homeopathic Medical College and Hospital at Thirumangalam, Madurai District.

3. Dr.P.Rathamani, Principal i/c Government Homeopathic Medical College and Hospital at Thirumangalam, Madurai District, by producing a copy of the proceedings dated 12.07.2017, sent by the Additional Chief Secretary / Commissioner of Indian Medicine and Homeopathy, Arumbakkam, Chennai, to the principal Secretary to Government, Health and Family Welfare Department, Secretariat, Chennai, submitted that the newly constructed Hospital building was handed over to the Institution by the Chief Engineer, Public Works Department on 21.04.2017. The building was officially handed over to the Health and Family Welfare Department on 21.06.2017. However, the building is yet to be inaugurated.

4. The communication sent by the Additional Chief Secretary / Commissioner of Indian Medicine and Homeopathy, Arumbakkam, Chennai, dated 12.07.2017 clearly indicates that the building is ready for inauguration. The Additional Chief Secretary wanted the Principal Secretary to Government, Health and Family Welfare Department to include the building constructed for the Government Homeopathy Medical College, Thirumangalam as an item to be included in the list of



buildings to be inaugurated. The communication was sent on 12.07.2017. Even though the building was handed over as early as on 21.04.2017, after completion of the construction, the fact remains that it is yet to be inaugurated.

WEB COPY 5. *The building was constructed for the welfare of the people. It was constructed by the Government, taking into account the urgent need to provide better treatment to the patients coming for treatment at the Government Homeopathic Medical College and Hospital. We are not in a position to understand the logic behind keeping the building closed without inauguration. In fact, the petitioner has taken up a contention that the construction was over in the year 2016 itself and there was no follow up action taken to open the building and accommodate the patients.*

6. *We direct the Principal Secretary to Government, Health and Family Welfare Department, Secretariat, Chennai-9, to inform this Court in writing, the date on which, the building would be inaugurated and put to use. The report should be submitted before this Court positively by 27-July-2017, failing which, the Principal Secretary to Government, Health and Family Welfare Department shall appear in person on 01-August-2017 before this Court to explain the difficulty in opening the newly constructed Hospital building.*

7. *The further appearance of the Principal, Government Homeopathic Medical College and Hospital, Thirumangalam, Madurai District is dispensed with.*

Post the Writ Petition on 27-July-2017."

3. Subsequently on 27.07.2017, the learned Special Government Pleader produced a copy of the letter dated 26 July 2017 sent by the Principal Secretary to Government, Health and Family Welfare Department, Government of Tamil Nadu, indicating that the matter was now placed before the Hon'ble Chief Minister for fixing a date for inauguration of the Government Homeopathic Medical College and Hospital at Tirumangalam. We have therefore adjourned the matter to be posted today.

4. When the writ petition was taken up for further hearing today, the learned Special Government Pleader produced a copy of the communication received from the Additional Secretary to Government, Health and Family Welfare Department, Chennai, indicating that the building would be inaugurated on 13.08.2017.

5. Since the Government has made it clear that the new building constructed for the Government Homeopathic Medical College and Hospital at Tirumangalam would be inaugurated on 13.08.2017, there is no need for a further adjudication of the matter.



6. We hope that the building will be inaugurated as per the schedule, on 13.08.2017 and in patients and out patients block would be opened for the general public.

7. The writ petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary to Government,
Health and Family Welfare Department,
The State of Tamil Nadu,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

2. The Principal Secretary,
Union of India,
Department of Ayurvedam, Yoga @ Naturopathy,
Unani, Siddha & Homeopathy (AYUSH),
Ministry of Health and Family Welfare,
Government of India,
IRCS Annexe Building,
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3. The Additional Chief Secretary/Commissioner
Indian Medicine and Homoeopathy,
Arumbakkam,
Chennai 600 106.

4. The Dean,
Government Homeopathy Medical College,
Thirumangalam, Madurai.

+1cc to Mr.R.Alagumani, Advocate in SR.No.71585

+1cc to Mr.N.Shanmugan Selvan, Advocate in SR.No.71153

+1cc to The Special Government Pleader in SR.N0.71482

akn/mrn

AE/KP/SAR3/04.09.2017/4P/8C

W.P. (MD) No.12011 of 2017
07.08.2017