



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: **26.07.2017**

CORAM:

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

W.P. (MD) No.13779 of 2017

V.Elaiyaraja .. Petitioner

Vs.

1.State of Tamil Nadu,  
Represented by its Principal Secretary,  
Health and Family Welfare Department,  
Government of Tamil Nadu, Secretariat, Chennai -9.

2.The District Collector,  
Dindugal District,  
Dindugal.

3.The Deputy Director of Medical Services,  
Dindugal District,  
Dindugal.

.. Respondents

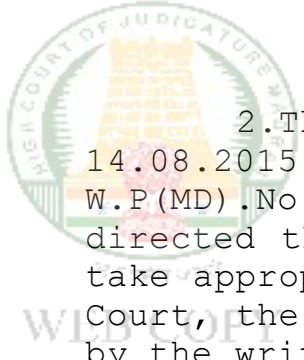
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records, pertaining to the impugned order dated 29.06.2017 in Na.Ka.No.792/A1/2017 on the file of the Respondent No.3 and quash the same as illegal and consequently directing the respondents to constructing Government Primary Health Centre at Pallapatti, Nilakottai Taluk, Dindugal District, with 108 Ambulance facility within the period stipulated by this Court .

|                 |                            |
|-----------------|----------------------------|
| For Petitioner  | : Mr.R.Venkatesan          |
| For Respondents | : Mr.M.Govindan            |
|                 | Special Government Pleader |

O R D E R  
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[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

This Writ Petition has been filed in Public Interest. The Writ Petitioner questions the order dated 29.06.2017 passed by the Deputy Director of Medical Services, Dindigal District declining the request made by the writ petitioner for constructing Government Primary Health Centre at Pallapatti.



2. The writ petitioner, earlier gave a representation dated 14.08.2015 in this regard. Since it was not considered, he filed W.P(MD).No.24227 of 2016. This Court by order dated 19.12.2016 directed the respondents to look into the said representation and take appropriate action. Pursuant to the direction passed by this Court, the third respondent herein has considered the request made by the writ petitioner herein.

3. The third respondent has found the prayer for construction of a Primary Health Centre at Pallapatti to be not feasible for more reasons than one. The Government has issued a circular setting out the criteria for setting up a Primary Health Centre. The primary requirement for setting up is that the population should be 30,000/- in plain area. In Pallapatti village, the population is only 17,307. That apart, Government hospitals are located within 10 kilometers, one at Vadipatti and another at Nilokottai. Those hospitals are having round the clock medical services with ambulances facility. There is also an upgraded Primary Health Centre at Ammaianayakkanoor which is located at 6.5 kilometers from Pallapatti. It is also stated that all the buses from Madurai to Periyakulam stop at Pallapatti. Therefore, the allegation that there is no sufficient transportation facility also is not correct.

4. We find that the third respondent has assigned good reasons for not accepting the request made by the writ petitioner. The learned counsel for the writ petitioner would refer to the decision of the Hon'ble Supreme Court reported in (1996) 4 SCC 37 - Paschim Banga Khet Mazdoor Samity V. Stae of West Bengal. He would also refer to Article 47 of the Constitution of India. But in matters such as this, which are having financial implications, it is not for this Court to issue a positive direction as sought for by the Writ Petitioner. This Court can only call upon the authorities concerned to consider the request made by the Writ Petitioner. Such a direction was in fact issued on the earlier occasion. The third respondent had bestowed his consideration on the prayer of the writ petitioner and found it to be not feasible. The reasons set out in the impugned order cannot said to be incorrect. We see no ground to interfere with the orders impugned in the Writ Petition. However, we would direct the second and third respondents to ensure that the medical needs of Pallapatti village are promptly attended to and the ambulances attached to Vadipatti Government Hospital and Nilakottai Government Hospital should be promptly available to attend any medical emergency. The third respondent has stated that there are mobile medical units which visit the villages on regular basis. We hope that such mobile medical units and para-medical staffs would visit the villages regularly. Providing health care is a service rendered by the State. With these observation the Writ Petition is disposed of.



6.This Writ Petition is disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To:

1.The Principal Secretary,  
State of Tamil Nadu,  
Health and Family Welfare Department,  
Government of Tamil Nadu, Secretariat, Chennai -9.

2.The District Collector,  
Dindugal District,  
Dindugal.

3.The Deputy Director of Medical Services,  
Dindugal District,  
Dindugal.

+1cc to Special Government Pleader, SR.No.68716

SSS

MAS/MR-KKR/SAR2:28.08.2017:3P-5C

ORDER MADE IN  
W.P. (MD) No.13779 of 2017  
26.07.2017