

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.30073 of 2018

M.Sureshkumar

.. Petitioner

Vs

1.The Principal Secretary
Health Department
Fort St.George
Chennai - 600 009.

2.The Director of Medical & Rural Health Services
DMS Campus
Teynampet
Chennai - 600 018.

3.The District Collector
Perambalur District
Perambalur.

4.The Joint Director
Medical & Rural Health Services
Government Head Hospital
Perambalur.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, to direct the respondents to consider and decide the representation of the petitioner dated 15.10.2018 on merits and in accordance with law within a reasonable time as may be determined by the Court.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader [R1 to R4]

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner claims to be a practicing lawyer, has come forward to file the present writ petition, styled as Public Interest Litigation, to restrain the respondents from locating the upgraded Primary Health Centre at Padalur Village, instead of upgrading the existing hospital at Karai Village, Alathur Taluk, Perambalur District.

2. The learned counsel appearing for the petitioner would submit though a detailed representation dated 15.10.2018 has been submitted to the respondents, the said representation failed to invoke/evoke any kind of response and since urgent steps are being taken to locate the upgraded hospital at Padalur, the petitioner is constrained to approach this Court by filing this writ petition.

3. Mr.V.Jayaprakash Narayanan, learned Government Pleader accepts notice on behalf of respondents 1 to 4 and he has produced a communication sent by the Director of Medical and Rural Health Services, Chennai, addressed to him in Reference No.60069/P&DII/2/2015 dated 16.11.2018, and the contents of the same would disclose that considering the welfare of the public and to provide secondary care medical facilities to the public on a wider range and in view of the population, transportation etc., the Primary Health Centre at Padalur has been upgraded as Government Taluk Hospital, vide G.O.(Ms.) No.143/Health & Family Welfare Department dated 26.04.2017, and on instructions, would further add that the Primary Health Centre which is now functioning at Karai Village would continue to function there, and it would not be closed down.

4. In the considered opinion of the Court, being a policy decision of the State, this Court cannot interfere with the said decision and it is further brought to the knowledge of this Court that the Government Taluk Hospital, which is sought to be located at Padalur is just 10 kms. away from Karai and as such, the petitioner, a resident of the said village can't have any grievance.

5. The submission of the learned Government Pleader is recorded and the said communication of the Director of the Medical and Rural Health Services, dated 16.11.20018 is taken on

file. In the light of the said communication, no further orders are necessary in this writ petition and therefore, this writ petition is closed. No costs. It is made clear that both hospitals shall be provided with all good facilities to treat the patients and shall be maintained in hygienic conditions. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ds

To :

- 1.The Principal Secretary
Health Department
Fort St.George
Chennai - 600 009.
- 2.The Director of Medical & Rural Health Services
DMS Campus
Teynampet
Chennai - 600 018.
- 3.The District Collector
Perambalur District
Perambalur.
- 4.The Joint Director
Medical & Rural Health Services
Government Head Hospital
Perambalur.

+1cc to Mr.D.Ashok Kumar, Advocate Sr.78703
+1cc to the Government Pleader Sr.79125

W.P.No.30073 of 2018

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srg 20/12/2018