



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Fourteenth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN

The Hon`ble Mrs.Justice R.HEMALATHA

WMP(MD) No.1277 of 2018

IN

WP(MD) No.11444 of 2017

THE UNION OF INDIA,
REP.BY ITS SECRETARY,
MINISTRY OF HEALTH AND
FAMILY WELFARE, NEW DELHI.

... PETITIONER / RESPONDENT No.1

Vs

1 K.K.RAMESH

... RESPONDENT / WRIT PETITIONER

2 THE UNION OF INDIA
REP. BY ITS SECRETARY, MINISTRY OF HEALTH,
NEW DELHI.

3 ALL INDIA INSTITUTE OF MEDICAL SCIENCES,
REP. BY ITS DIRECTOR, ANSARI NAGAR,
NEW DELHI - 110029.

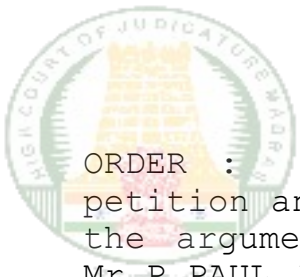
4 THE STATE OF TAMIL NADU
REP. BY PRINCIPAL SECRETARY TO CHIEF MINISTER,
FORT ST.GEORGE, CHENNAI - 600 009.

5 THE STATE OF TAMIL NADU
REP. BY ITS CHIEF SECRETARY,
FORT ST.GEORGE,
SECRETARIAT, CHENNAI - 600 009.

6 THE STATE OF TAMIL NADU
REP. BY ITS PRINCIPAL SECRETARY,
HEALTH DEPARTMENT, FORT ST.GEORGE,
CHENNAI - 600 009.

... RESPONDENTS / RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant three months time extension to Ministry of Health & Family Welfare, Government of India, New Delhi, for WP(MD)No.11444 of 2017 dated 02.08.2017 to finalise the site for establishing all India Institute of Medical Science in the State of Tamil Nadu.



ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.V.KATHIRVELU, Assistant Solicitor General for Mr.P.PAUL PANDI, Advocate for the petitioner and of Mr.K.K.RAMESH, Party in Person for R1, Mr.A.K.BASKARA PANDIAN, Special Government Pleader for R4 & R5, the court made the following order:-

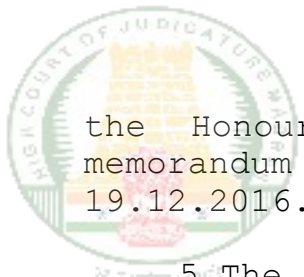
(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

The writ petition in W.P.(MD)No.11444 of 2017 is a "Public Interest Litigation" and the issue pertains to establishment of a Super Speciality Hospital cum Teaching Institution by All India Institute of Medical Sciences (in short "AIIMS") in any one of the places identified by the Government of Tamil Nadu.

2.A perusal of the cause title would indicate that the Principal Secretary to the Honourable Chief Minister, is arrayed as the third respondent and in the considered opinion of this Court, the said official, for the purpose of deciding the issue is not a necessary party and therefore, the said official is deleted from the array of parties.

3.The fifth respondent namely, the Principal Secretary to Health Department, Government of Tamil Nadu, Chennai - 600 009, has filed the counter affidavit and the contents of the same would disclose that five separate locations namely, Perundurai - Erode District, Chengalpattu - Kancheepuram District, Thoppur - Madurai District, Sengipatti - Thanjavur District and Pudukottai Twon - Pudukottai District have been identified for setting up Super Speciality Hospital cum Teaching Institution by AIIMS and the necessary communication has also been sent to the Government of India on 31.10.2014, with further request, requesting the Government of India to arrange for the visit of the Central Team to the proposed sites for inspection.

4.It is further stated that the said team started visiting the sites from 22.04.2015 and the inspection of the sites was concluded on 25.04.2015 and the team has also called for certain additional particulars and all the particulars have been furnished to the Government of India on 30.04.2015. Thereafter, the Government of Tamil Nadu sent periodical reminders dated 27.10.2015, 11.12.2015 and 18.01.2016 and the Honourable Chief Minister of Tamil Nadu has also addressed to the Honourable Prime Minister of India on 17.02.2016, with a request to expedite the announcement of location of the AIIMS at Tamil Nadu and in response to the same, the Honourable Union Minister of Health and Family Welfare, Government of India, vide communication dated 07.04.2016 has informed that the establishment of a New Super Speciality Hospital cum Teaching Institution, is under consideration and decision will be taken at the earliest. The Government of Tamil Nadu has periodically reminded the Government of India on 30.05.2016 and 02.11.2016 and



the Honourable Chief Minister of Tamil Nadu has also given memorandum in this regard on two occasions dated 14.12.2016 and 19.12.2016.

5. The said official would further aver that the Government of India has called for additional particulars on 24.05.2017, which was received on 05.06.2017 and additional particulars were also furnished on 12.07.2015. Therefore, the sum and substance of the stand of the Government of Tamil Nadu is that whatever particulars and clarifications sought for by the Government of India have been furnished on time and their decision is awaited.

6. The Union of India represented by the Secretary to Ministry of Health and Family Welfare, New Delhi, has filed this petition praying for extension of time granted in the order dated 02.08.2017 in W.P.(MD)No.11444 of 2017 for the purpose of finalising the site for establishing AIIMS Super Speciality Hospital cum Teaching Institution. In paragraph No.10, as per Cabinet Secretariat D.O.272/1/2016-CA.V dated 20.09.2017, it is stated that the members of the selection committee are to be nominated for which, the file is under submission and it is in process and the Ministry of Health and Family Welfare is making its all out efforts to finalize the site for establishing the AIIMS Super Speciality Hospital cum Teaching Institution as expeditiously as possible and genuinely needs further time of two months.

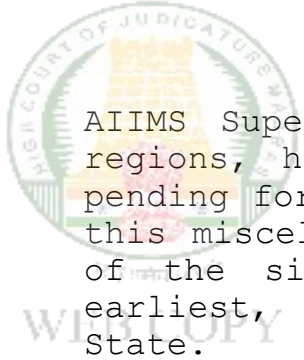
7. Mr.V.Kathirvelu, learned Assistant Solicitor General would submit, "in the event of the extension of time being granted, a positive decision would come from the said Ministry as to the location of the site and establishment of the AIIMS Super Speciality Hospital cum Teaching Institution" and therefore prays for appropriate orders.

8. The petitioner / party-in-person would submit that the Government of India is not taking any serious efforts to identify the location and taking further steps to establish the said Institution, and in order to evade the serious consequence only, came forward to file the present petition for extension of time.

9. Mr.A.K.Baskara Pandian, learned Special Government Pleader, appearing for the respondents 4 and 5 would submit that the Government of Tamil Nadu, on its part, has taken earnest and sincere efforts and the response from the Government of India is awaited.

10. This Court has considered the rival submissions and also perused the materials placed before it.

11. This Court can take judicial notice of the fact that the State of Tamil Nadu is a forerunner in providing health and related attendant benefits to its people and in fact, the Capital of Tamil Nadu, namely, Chennai is known as "Medical Capital" of India. No doubt, the Government of India with an avowed object of establishing



AIIMS Super Speciality Hospital cum Teaching Institution, in all regions, has proposed the said project. However, the matter is pending for nearly two years and it is high time, the petitioner in this miscellaneous petition take an early call as to the location of the site and establishment of the said Institution at the earliest, to meet the hope and aspiration of the people of this State.

12.Hence, for the reasons assigned above, the petition is ordered and the petitioner / respondent No.1 in the writ petition, is granted time till 14.06.2018, to take a final call on the location of the site, and to take further steps to establish the Super Speciality Hospital cum Teaching Institution by AIIMS.

sd/-

14/02/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SECRETARY, UNION OF INDIA
MINISTRY OF HEALTH, NEW DELHI.
- 2 THE DIRECTOR,
ALL INDIA INSTITUTE OF MEDICAL SCIENCES,
ANSARI NAGAR,
NEW DELHI - 110029.
- 3 THE PRINCIPAL SECRETARY TO CHIEF MINISTER,
STATE OF TAMIL NADU
FORT ST.GEORGE, CHENNAI - 600 009.
- 4 THE CHIEF SECRETARY,
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FORT ST.GEORGE,
SECRETARIAT, CHENNAI - 600 009.
- 5 THE PRINCIPAL SECRETARY,
STATE OF TAMIL NADU
HEALTH DEPARTMENT, FORT ST.GEORGE,
CHENNAI - 600 009.

MR

JAM/26/02/2018/PM-PN/ SAR 1 / 4P-6C

ORDER IN
WMP (MD) No.1277 of 2018 IN
WP (MD) No.11444 of 2017
Date :14/02/2018