



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 30.10.2019	Pronounced on:04.11.2019
-------------------------	--------------------------

Coram::

The Honourable Dr.Justice G.Jayachandran

Writ Petition No.30558 of 2019
& W.M.P.No.30605 of 2019

G.K.Mariappan,
S/o.late KaruppaPannadi,
PudhuThottam, S.Ganapathipalayam,
Puduhukkaraipudhur Post,
Kugalur Village,
Gobichettipalayam Taluk,
Erode District. Petitioner

/versus/

1. The District Collector,
Erode District,
Erode.
2. The Inspector,
Public Works Department,
Erode.
3. The Assistant Director,
Health Department,
Thindal,
Erode.
4. The Panchayat President/Special Officer,
Gram Panchayat Union Office,
SH-81, Gobichettipalayam Uthukuli Padiyur Post,
Gobichettipalyam, Erode - 638 476. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, forbearing the respondents 1 to 3 from putting up a Primary Heath Center in S.No.151/6, Pudhu Thottam, Kagalur Village, Gobichettypalayam Taluk, Erode District by considering the petitioner representation dated 30.08.2019.

For Petitioner : Mr.R.Shase

For R1 to R3 : Mr.N.Inbanathan,
Additional Government Pleader

For R4 : Mr.R.P.Prathap Singh,
Government Advocate

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondents.

2. The petitioner herein claims to be the owner of the land in S.Nos.151/5, 151/7 and 151/10 of Koogalur Village, Gopichiettipalayam Taluk, Erode District. He is carrying on Agricultural activities in the said land. Having come to know that the 3rd respondent/Assistant Director, has a proposal to construct a Primary Health Care Centre in S.No.151/6, which is in between his lands at S.Nos.151/5 and 151/7, he has given an representation to the respondents on 30.08.2019 to drop the proposal of constructing Primary Health Centre in S.No.151/6 which is an Agricultural land and without proper ingress and egress. Pointing that, already there is a Primary Heath Centre within 500 meters and vacant Government Poramboke land within 100 meters, the petitioner has requested the respondents to reconsider the proposal of establishing Primary Health Centre in S.No.151/6. The respondents have not considered the request, hence the Writ Petition is filed seeking Mandamus to issue direction forbearing the respondents 1 to 3 from establishing Primary Health Centre in S.No.151/6 in Pudhu Thottam, Kagalur Village, Gobichettyapalaym Taluk, Erode.

3. Heard the Learned Counsel for the Petitioner.

4. The Petitioner herein is not the owner of the land in S.No.151/6. He being the neighbouring land owner apprehends that establishing Primary Health Centre adjacent to his agricultural land will affect his agricultural activities.

5. Primary Health Centre to cater the health care of rural people is not an hazardous activity. The authorities concerned are the best Judges to identify the site to establish Primary Health Centre, which will be more suitable and convenient for the general public. Existence of Primary Health Centre within 500 meters or Government Poramboke land within 100 meters, cannot be a reason for the Court to forbear the respondents from establishing Primary Health Centre in a particular place because of the objection raised by the neighbouring land owner. Hence, the Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

bsm

To,

1. The District Collector, Erode District, Erode.
2. The Inspector, Public Works Department, Erode.
3. The Assistant Director,
Health Department, Thindal,
Erode.

+1cc to Mr.M.Guruprasad , Advocate SR.No. 91357

+1cc to Mr.R.P.Prathap , Advocate SR.No. 91952

+1 cc to Government Pleader Sr.No. 91527

Writ Petition No.30558 of 2019

A.SK(20/11/2019)



WEB COPY