



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.11.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE M.SUNDAR**

W.P (MD)No.6042 of 2011

Nethaji Medi Trust,
represented by its Trustee A.Harikrishnan,
16/A, Gajalakshmi 2nd Street,
Ganapathy Nagar, Avaniapuram,
Madurai-625 012.

... Petitioner

Vs.

1.The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai.

2.The Dean cum Medical Superintendent,
Government Rajaji Hospital,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the second respondent in O.Mu.No.02533/N14/3/2011, dated 09.02.2011 and quash the same and consequently directing the respondents to permit the petitioner to operate ambulance and mortuary van services and provide a space for one ambulance and space for it's Manager with telephone extension in the Government Rajaji Hospital in front of the Ward No.99 and in the new buildings.

For Petitioner : Mr.C.Selvakumar
assisted by Mr.T.Selvan

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader

ORDER

The petitioner made an application to the jurisdictional District Collector ie., Collector, Madurai District, with a request to provide space for a booking office for ambulance and mortuary van services in the Government Rajaji Hospital, Madurai.



2. However, the second respondent admittedly permitted the petitioner to park one ambulance van near the mortuary. Writ Petitioner not being satisfied with this permission, made a further representation to Honourable Chief Minister's Cell, with a request to provide space for booking office within the premises of Government Rajaji Hospital, more particularly before the mortuary. This was forwarded to the second respondent who confirmed his earlier permission provided to writ petitioner to park one ambulance near the mortuary and rejected the petitioner's request vide 'proceedings dated 09.02.2011 bearing reference O.Mu.No.02533/Ni4/3/2011' (hereinafter 'impugned order').

3. Both respondents have filed separate counter affidavits. Most relevant part of the counter affidavit of the first respondent is paragraph No.5 and the same reads as follows:

'5. It is submitted that as per G.O.(Ms).No.342, Health and Family Welfare (EAPI/1) Department, dated 03.12.2010. The Hon'ble Minister for Health announced during budget session of the Legislative Assembly 2010-2011 that the Government would provide free (Hearse) Mortuary van services to the patients who die in Government Medical institutions. The Project Director, Tamil Nadu Health Systems Project shall be designated as Nodal Officer to operate this service in the State through Indian Red Cross Society, herein after referred to as "IRCS" Tamil Nadu Branch and the Tamil Nadu Health Systems Project shall be the nodal agency to implement this programme. The Tamil Nadu Emergency Research Institute shall provide technical assistance at free of cost in the arrears of all centre technology/establishment, vehicle fabrication, recruitment assistance, fleet monitoring/maintenance etc, on agreed terms basis. A separate central response centre shall be established as an annex to the existing emergency response centre with necessary infrastructure, equipments, communication facilities, computers etc to Operate the Hearse van services by Indian Red Cross Society, Tamil Nadu Branch with the free Technical assistance from TN-EMRI as a Public Private Partnership (PPP) mode on 'no loss - no gain' basis. A toll free telephone number shall be provided to this purpose for which the Project Director, Tamil Nadu Health Systems Project should take necessary action. The Central Response Centre shall be manned with two communication and dispatch office ((CDO) for a shift, for three shifts. Additional CDOs shall be provided as substitute for uninterrupted service.'

4. Most relevant part of the counter affidavit of the second respondent is paragraph No.1 and the same reads as follows:

'1. It is submitted that as per the G.O.Ms.No.342, H&FW (EAP1/1) Department dated 24.12.2010, the Hon'ble Minister for Health announced during budget session of the legislative Assembly 20.10.2011 that the Government would provide free (Hearse) Mortuary van service to the patients who die in Government Medical



5. In the light of free Ambulance and mortuary van service now being provided by the State, this Court is of the considered view that there is no ground to interfere with the impugned order.

6. Writ Petition is dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai.

2.The Dean cum Medical Superintendent,
Government Rajaji Hospital,
Madurai.

+1 CC to M/s.SPL GP (SR-100907[F] dated 25/11/2019)

+1 CC to M/s.C. SELVAKUMAR, Advocate (SR-101048[F] dated 25/11/2019)

W.P (MD) No. 6042 of 2011
22.11.2019

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JM/05.12.2019/3P/5C