



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.23116 of 2019

K.Ponnaiah

: Petitioner

Vs.

1.The Principal Secretary to Government,
Public Health & Family Welfare Department,
Secretariat,
Chennai - 600 009.

2.The District Collector,
Theni,
Theni District.

3.The Director of Public Health and Preventive Medicine,
DMS Compound,
Teynampet,
Chennai.

4.The Deputy Director of Health Services,
Behind Theni New Bus Stand,
Theni,
Theni District.

5.The Block Medial Officer,
Primary Health Centre,
Odaipatti Post,
Uthamapalayam Taluk,
Theni District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the third respondent to consider the petitioner's representation dated 15.07.2019 for opening an Out-Patient Extension Wing at Seepalakottai Village, Theni District, within the period that may be stipulated by this Court.

For Petitioner

: Mr.K.Ponnaiah

Party-in-person

For Respondents

: Mr.A.K.Baskara Pandian

Special Government Pleader



O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.K.Ponnaiah, practicing Advocate, appearing in person and Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondents.

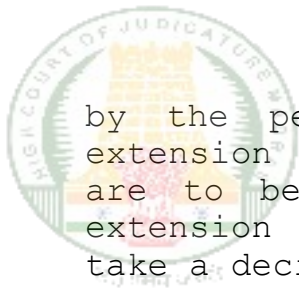
3. This Writ Petition filed by Thiru.K.Ponnaiah, Advocate practicing before this Court in his personal capacity, appearing in person seeks for opening an out-patient extension wing at Seepalakottai Village, Theni District, which is his native village.

4. According to the petitioner, there are sufficient population to open a primary health centre. However, as of now, the petitioner seeks for opening an out-patient extension wing in their village, because people have to travel a long distance to get proper medical care. It is further stated that taking advantage of the fact that there are permanent Government medical facility in the nearby villages, there are several quacks who are exploiting the innocent villagers.

5. Written instructions have been given by the Deputy Director of Health Services, Theni District, which shows that within a distance of 3 kms, there is an upgraded primary medical health centre with all facilities. Further, it is stated that there is a mobile Doctor's team visiting the village every month to take care of pre-natal and post-natal cases. Apart from that, there is also ambulance facility available and the upgraded primary health centre is easily accessible as it is within 2 kms distance from the village and people are extended good medical care in the said hospital which is a 3- bedded hospital.

6. In the light of the above report submitted by the Deputy Director of Health Services, we are not convinced to issue directions to the authorities to open a primary health centre. However, the prayer made by the writ petitioner in this writ petition is for an out-patient extension wing, for which the petitioner submits that the villagers are ready to provide accommodation and willing to bear the electricity charges and provide good drinking water.

7. In a writ petition filed under Article 226 of the Constitution of India, we cannot issue any positive direction. However, we direct the fourth respondent to examine the request made



by the petitioner. As regards the feasibility of outpatient extension wing, we are not informed what are the parameters which are to be fulfilled to qualify for establishing an out-patient extension wing. However, we leave it to the fourth respondent to take a decision as to what is best in the interest of the people.

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8. With the above directions, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

Sub Assistant Registrar(CS)

MR

To

1. The Principal Secretary to Government,
Public Health & Family Welfare Department,
Secretariat, Chennai - 600 009.
2. The District Collector,
Theni, Theni District.
3. The Director of Public Health and Preventive Medicine,
DMS Compound,
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4. The Deputy Director of Health Services,
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Theni, Theni District.
5. The Block Medical Officer,
Primary Health Centre,
Odaipatti Post,
Uthamapalayam Taluk, Theni District.

+1CC TO MR.K.PONNAIAH, Advocate Sr. No.95752

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 96086

Order made in

W.P. [MD]No.23116 of 2019

Dated: **04.11.2019**

MA (CO)

TR(03.12.2019) 3P 8C