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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 01.08.2019

+ W.P.(C) 7262/2015

DELHI ANUSUCHIT JATI VIKAS SANGATHAN (REGD.)

..... Petitioner

Through: Mr. Vikas Bapurao Pakhiddey, Adv.

versus

DIRECTORATE OF HEALTH SERVICES & ANR..... Respondents

Through: Mr. Sanjoy Ghose, ASC with

Ms.Urvi Mohan, Adv. for GNCTD/R-1

Mr. Parvinder Chauhan, Adv. for R-2

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

1. This so-called public interest litigation has been preferred with the following prayers:

“a) Direct respondent no. 1 to immediately take up work for construction of Chaudhari Hukma Ram Raiger Hospital/maternity home/ colony hospital in Phase -2 of Nangloi (West) for which the cost of land has already been given to the respondent no.2 by PWD Delhi.

b) To issue appropriate writ in favor of petitioner who is acting behalf of residents of the area directing respondent No. 2 to immediately release clear and encroachment free plot of land for proposed Maternity Hospital as they have already got the cost of the land.

c) Cost of the suit and consequential relief may also be passed in favor of the petitioner and against the respondents. And any other or further relief, which this Hon'ble Court deem fit and proper under the facts and circumstances of the case may also be passed in favor of the petitioner and against the respondents."

2. Having heard the counsels for both the sides, it appears that this petitioner desires that a hospital be established at the plot as mentioned in the memo of this writ petition, to be run under the name and style of Chaudhari Hukma Ram Raiger Hospital/maternity home/colony hospital in Phase-2 of Nangloi (West), Delhi.

3. Looking at the stand taken by respondent No.1 in the counter affidavit, to establish a polyclinic at the place situated at Nangloi, it appears that a policy decision has been taken by respondent No.1. This is a conscious policy decision, as stated in paragraph 3 of the additional affidavit dated 08.07.2016, filed by respondent No.1, which reads as under:

"3. That pursuant to an executive policy decision taken by the GNCTD in its meeting on 24.12.2015, it has been decided that a polyclinic shall be established at JJ Colony Nangloi Ph II, Mundka A.C., in place of the original decision to set up a 50 bedded mother and child hospital. It is submitted that the hospitals with 100 beds has not been found to be sustainable and thus all such institutions are being enlarged to 250 beds or more, which is not feasible for the present site due to limited availability of space. (Copy of the relevant file noting is marked and annexed herewith as ANNEXURE-A)."

4. Thus, it appears that a policy decision has been taken by respondent No.1 to establish a Polyclinic at the plot which is mentioned in this writ petition, instead of a 100-bedded Hospital, which, the respondent No.1 submits, is not sustainable at this stage.

5. Moreover, it appears from paragraph (iii) at page No.116 of the short affidavit dated 19th October, 2015 filed by respondent No.1, that the plot required is *ad measuring* approximately 2430 sq. mtrs., out of which, at present on 300 sq. yds. the Polyclinic is going to be constructed, which will cater the needs of the public at large in the nearby vicinity of Nangloi area.

6. Therefore, it appears that of the 2430 sq. mtr., at present on 300 sq. yds., a Polyclinic is to be established by the respondents, the remaining part of which can also be developed later, looking into the need of the society and in future, there are all chances that respondent No.1 may take a policy decision for the construction of the Hospital.

7. We find no reason for this Court to issue a writ of *mandamus* upon the respondents that they must establish Chaudhari Hukma Ram Raiger Hospital/Maternity Home at the place which is mentioned in this writ petition.

8. With the aforesaid observation, this writ petition stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

AUGUST 01, 2019

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