

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.Nos.1798 of 2020, 34461,34822 & 34003 of 2019
and W.M.P.Nos.2081 of 2020, 35153,35426,36140 of 2019

W.P.No. 1798 of 2020 and
W.P.No.34461 of 2019

C.Senthilvel

... Petitioner
in W.P.No.1798/2020

J.Jegaveerapandiyar

... Petitioner
in W.P.No.34461/2019

Vs

1.Union of India,
Rep. by its Secretary,
Government of India,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi - 110 011.

2.State of Tamil Nadu,
Rep. by its Secretary,
Ministry of Health and Family Welfare,
Fort St.George, Chennai - 600 009.

3.The District Collector,
Nagapattinam Collectorate,
Nagapattinam - 611 001.

... Respondents
in W.P.No.1798/2020
& in W.P.No.34461/19

W.P.No.34822 of 2019

K.Rajendran

... Petitioner

vs.

1.The State of Tamil Nadu
Rep. By its Secretary,
Department of Health and Family Welfare,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Commissioner of Revenue Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

3.The District Collector,
Nagapattinam District,
Nagapattinam - 611 001.

... Respondents

W.P.No.34003 of 2019

P.Kalyanam

... Petitioner

Vs

1.Union of India,
Rep. by its Secretary,
Government of India,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi - 110 011.

2.State of Tamil Nadu,
Rep. by its Secretary,
Ministry of Health and Family Welfare,
Fort St.George, Chennai - 600 009.

3.The District Collector,
Nagapattinam Collectorate,
Nagapattinam - 611 001.

4.S.Syed Mohammed KalifaSahib

5.The Indian Chamber of Commerce
and Industry Nagapattinam
A Registered Society,
Rep. By its President, Mr.R.K.Ravee,
Having its office at No.18, 1st Beach Road,
Nagapattinam - 611 001.

[R4 and R5 impleaded vide order
dated 18.03.2020 in WMP Nos.35426 &
36140 of 2020 in W.P.No.34003 of 2019] ... Respondents

Prayer in W.P.No.1798 of 2020 : Writ Petition filed under
Article 226 of the Constitution of India to issue a writ of
mandamus directing the respondents to establish the proposed new
Government Medical College at Mayiladuthurai Town, Mayilduthurai
Taluk, Nagapattinam District instead of Orathur Village,

Nagapattinam Taluk and District.

Prayer in W.P.No.34461 of 2019: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to reconsider the proposal of locating the Centrally sponsored medical college attached with District/Referral hospitals earmarked for Nagapattinam District, vide notification dated 27.11.2019 in No.U-14017/95/2019-ME-II and consequently direct the respondents to locate the same at Mayiladuthurai taluk.

Prayer in W.P.No.34822 of 2019: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing respondents to place the proposed new Government Medical College at Mayiladuthurai Town, Mayiladuthurai Revenue Division, Nagapattinam District.

Prayer in W.P.No.34003 of 2019: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents herein to consider the location of Centrally Sponsored Medical College approved in proceeding No.U-14017/95/2019 ME-II of the Ministry of Health and Family Welfare of Government of India dated 27.11.2019 at Nidur Village of Mayiladuthurai Revenue Division of Nagapattinam District.

Mr.A.Veerasamy in
W.P.No.1798/2020
Mr.A.Mohamed Ismail in
W.P.No.34461/2019
For Petitioner : Mr.R.S.Krishnaswamy
in W.P.No.34822/2019
Mr.R.Sentil Selvan
in W.P.No.34003/2019

Mr.G.K.Muthukumar Spl G.P.
for R2 and R3 in
W.P.No.1798/2020,
W.P.No.34661/2019
for R1 to R3 in W.P.No.34822/19
for R2 & R3 in W.P.No.34003/19
For Respondents : Mr.Om Prakash, Sr.Counsel
for M/s.Ramalingam Associates
for R5 in W.P.No.34003/2019

Mr.M.Karthik
for R4 in W.P.No.34003/2019

COMMON ORDER
(Order of the Court was made by M.M.SUNDRESH, J)

These public interest litigations have been filed seeking a direction to the respondents to establish the proposed Government Medical College at Mayiladuthurai instead of Orathur Village, Nagapattinam Taluk and District.

2. We have heard the learned counsel appearing for the parties.

3.A detailed counter affidavit has been filed by the second respondent. In the said counter affidavit, it has been stated that the proposed Medical College is to be established in tune with the policy of the Government of India, Ministry of Health and Family Welfare, New Delhi dated 23.01.2020.

4.Accordingly, Nagapattinam District has been earmarked for starting of one new Medical College with annual intake of 150 M.B.B.S seats. The District Headquarters hospital is having 545 bed strength with 100% bed occupancy and an average of 2500 outpatients per day. Lands available have also been identified. The feasibility of the lands has also been found satisfied. The area is also prone to road accident. It is a matter of practice that the District Headquarters would be taken normally from the Director of Medical and Rural Health Services, Chennai to the Administrative Control of the Directorate of Medical Education. The hospital situated at the District Headquarters, satisfies the requirements to be complied with for the establishment of the new medical college.

5.The Government of Tamil Nadu has also passed orders for transfer of lands. The place has been selected also for its strategic location apart from catering to the needs of the poor patients. It is also near to the District Headquarters Hospital which would satisfy the Medical Council of India norms. The Technical Evaluation Committee has also given its approval and made due recommendation. Resultantly, the Government of India, Ministry of Health and Family Welfare, New Delhi has also formally conveyed its approval. As a consequence, a memorandum of understanding was also signed and handed over to the Ministry of Health and Family Welfare, New Delhi. The Government of Tamil Nadu has further issued the Essentiality Certificate fulfilling the conditions required to comply with the Medical Council of India norms.

6. From the above, we are satisfied that the needful has already been done. The petitioners cannot insist, as a matter of right, that the new medical college will have to be established only at Mayiladuthurai. No such right is vested on the

petitioners. This Court also cannot say that notwithstanding the non-availability of requisite compliance mandated by law, the request will have to be acceded to.

7. At this juncture, the learned counsel appearing for the petitioners submitted that Mayiladuthurai has already been announced as a separate district. Therefore, the second respondent has to be directed to consider the feasibility of having a separate Medical College in future.

8. The said submission itself would make the writ petitions infructuous as even otherwise we cannot consider the request made by the petitioners in the writ petitions. However, considering the alternative plea made by the learned counsel for the petitioners, we direct respondents 1 and 2 in W.P.No.1798 of 2020 to consider the feasibility of having a separate medical college at the new district - Mayiladuthurai provided all the norms are satisfied.

9. With the above observation and direction, these writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Secretary,
Government of India,
Ministry of Health and Family Welfare,
Nirman Bhavan,
New Delhi - 110 011.

2.The Secretary,
Ministry of Health and Family Welfare,
Fort St.George,
Chennai - 600 009.

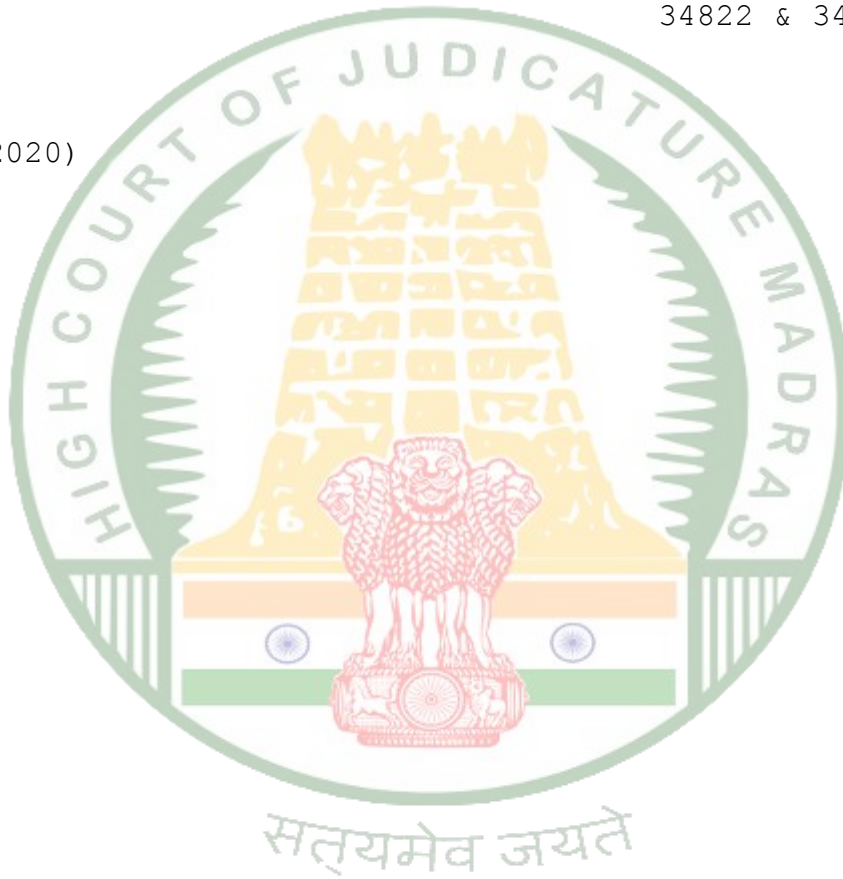
3.The District Collector,
Nagapattinam Collectorate,
Nagapattinam - 611 001.

4.The Commissioner of Revenue Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

+1cc to Mr.A.Veerassamy, Advocate, S.R.No. 24273
+1cc to Mr.A.Mohamed Ismail, Advocate, S.R.No. 24438
+2cc to Mr.R.S.Krishna Swamy, Advocate, S.R.No. 24475, 24298
+2cc to Mr.Ramalinga Associates, Advocate, S.R.No. 24201
+1cc to Mr.V.Chandrasekaran, Advocate, S.R.No. 24423
+1cc to the Government Pleader, S.R.No. 34307

W.P.Nos.1798 of 2020, 34461,
34822 & 34003 of 2019

KS(CO)
GN(06/08/2020)



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