



WEB COPY

W.P(MD)No.17407 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.17407 of 2020

and

W.M.P(MD)No.14545 of 2020

S.Rajendiran

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Tenkasi.

2.The Secretary to the Government,
Revenue and Disaster Management,
Revenue Department,
Fort St George, Chennai - 9.

3.The Secretary to the Government,
Health and Family Welfare Department,
Fort. St. George, Chennai - 9.

4.The Government of India,
Ministry of Health and Family Welfare,
Department of Health and Family Welfare,
Nirman Bhavan, Medical Education Division,
New Delhi - 110 011.

5.The Medical Council of India,
Pocket -14, Sector 8,
Dwarka, New Delhi - 110 077.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents 1 and 2 from establishing / constructing the District Collector Office, Tenkasi in contravention of Clause A.1.1(8) of the notification, dated 28.10.2020 issued by the National Medical Commission, by establishing / constructing the District Collector Office within the premises of the New Government Medical College, Tenkasi.

For Petitioner
For Respondent
Nos.1 to 3

: Mr.V.Raghavachari
: Mr.Sreecharan Rangarajan,
Additional Advocate General
Assisted by
Mr.M.Muthugeethaiyan,
Special Government Pleader



For Respondent : Mrs.Victoria Gowri,
Nos.4 & 5 Assistant Solicitor General of India
Assisted by
Mr.Alaguram Jothi
Central Government Standing Counsel

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ORDER

[Order of the Court was made by **B.PUGALENDHI, J.**]

This writ petition has been filed as a Public Interest Litigation, by the President, Tenkasi District Press Society for a writ of mandamus, forbearing the respondents 1 and 2, from establishing / constructing District Collector Office for Tenkasi District in contravention of Clause A.1.1(8) of the Notification, dated 28.10.2020, issued by the National Medical Commission, by establishing or constructing the District Collector Office, within the premises of the new Government Medical College, Tenkasi.

2.The grievance of the petitioner is that vide G.O.Ms.No.538, Health and Family Welfare (MCA) Department, dated 29.11.2019, the Government has proposed to establish the Government Medical College for the Tenkasi District, with the funding of the Central Government and the State Government on 60:40 ratio and the land has also been identified from the land, which has already been acquired for the Government Hospital at Tenkasi, in T.S.No.191 and Ward B, Block No.4, T.S.No.36. It is the grievance of the petitioner that if this land is utilised by the Government for establishing the District Collectorate, then the development of the Medical College would be affected and certainly there will be traffic problems in the area, which may affect the movement of the Ambulance.

3.Heard Mr.V.Raghavachari, learned Counsel for the petitioner, Mr.Sreecharan Rangarajan, learned Additional Advocate General, assisted by Mr.M.Muthugeethaiyan, learned Special Government Pleader appearing for respondent Nos.1 to 3 and Mr.Alaguram Jothi, learned Central Government Standing Counsel appearing for respondent Nos.4 and 5.

4.The learned Counsel appearing for the petitioner in support of this writ petition submitted that as per Clause A.1.1(8) of the Notification of the National Medical Commission, dated 28.10.2020, any piece of the land used for the Medical College cannot be used for any other institution and this Clause specifically prohibits the establishment of any institution, even the educational institution including Paramedical and Nursing Institutions. When that being so, the proposal for establishing the District Collector Office in the same premises would certainly be in violation of Clause A.1.1(8) of the Notification of the National Medical Commission, dated 28.10.2020. Further, it would also lead to several other issues including environmental issues, traffic problems, over crowding and



spread of diseases, etc., and there cannot be any further development or future expansion for the Medical College.

5. In response to the averments made in this writ petition, Mr. Sreecharan Rangarajan, learned Additional Advocate General has submitted that Tenkasi District has been established with effect from 22.11.2019 and the Government has taken several steps to construct the District Collectorate for the District. The District Administration has identified the place at Melagaram Village, near, Ayiraperi Village, Tenkasi Taluk, Tenkasi District and as against the proposal five writ petitions were filed before this Court in W.P(MD)Nos.14597, 11757, 12402, 12299 and 11608 of 2020 alleging that the said place is an agricultural land, which cannot be converted for any other purpose.

6. In view of the objections raised in those writ petitions, the Government has also reconsidered the proposal and has identified the place near Tenkasi new Bus stand in Survey No.191, wherein the Government has already established the District Government Hospital.

7. According to the learned Additional Advocate General, the Government is not intending to establish a Medical College and the areas is having an extent of 30.29 acres and apart from the building already established for the District Government Hospital, there is a land to an extent of 11.11 Acres left out and kept vacant, which has been identified as suitable place by the Government to construct the District Collector Office for Tenkasi District.

8. The issue has been discussed at the level of the Chief Secretary to Government and the Commissioner, Land Administration Department and it has been decided to establish the District Collectorate. The Government has also taken steps to identify the suitable place for establishing the Government Medical College within a 10 kilo meters radius from the city.

9. This Court has paid its anxious consideration to the rival submissions and perused the materials placed on record.

10. The Government has announced the bifurcation of Tirunelveli District, vide G.O.Ms.No.427, Revenue and Disaster Management Department [Revenue Administration Wing [RA1(a)] Section, dated 12.11.2019 and it has come into with effect from 22.11.2019. Though the District has been formed one year back, the District Collectorate has not been established in the process of finalisation of the suitable place for the District Collectorate. Earlier the Government has identified the place at Melagaram Village, near, Ayiraperi Village, Tenkasi Taluk, Tenkasi District. However, Public Interest Litigations came to be filed before this Court contending that the said place may not be suitable for District Collectorate and the said place is fertile land, which



cannot be converted into for any other purposes. Those writ petitions were disposed of on 28.10.2020, on the ground that the Government has not decided upon the site for construction of new Collectorate and the Government would take a decision based on the report to be filed by the Joint Inspection Committee.

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11. Thereafter, the Government has identified the present site and it has been acquired for the purpose of District Government Head Quarters Hospitals. Around 30.29 Acres of land was acquired for Hospital and after establishing the hospital around 11.11 acres remain vacant. Further, considering the importance of the District Collectorate, this vacant site of the hospital land, which is also adjacent to Tenkasi new Bus Stand is identified as a suitable place for the District Collectorate and the Government has also accepted this recommendation of the District Administration to establish the Collectorate in this vacant land near the District Head Quarters Hospital. The learned Additional Advocate General further submitted that this place behind the New Bus Stand is a suitable place and it can be easily accessed by the people.

12. We are not able to appreciate the grounds raised by the petitioner that the traffic would increase, which may cause inconvenience to the patients and may spread disease to the visitors of the Collectorate. Moreover, there is no material placed on record to show that there was any proposal for construction of a Medical College Hospital in the said proposed vacant site. The Government Order referred by the learned Counsel for the petitioner, in G.O.Ms.No.538, Health and Family Welfare (MCA) Department, dated 29.11.2019 is not relevant to Tenkasi. Even assuming that the Government had any such proposal, the said 11.11 acres vacant land, may not be suitable for establishing a Medical College as per the norms prescribed under the National Medical Commission Act, 2019.

13. Now it has become a practice that whenever any project is started by the Government, several writ petitions are filed with some vested interest. It is the Government, which has to take a decision on the suitability of any place for the construction of the District Collectorate as well as the Medical College, depending upon the availability of the land. However, the said process must be transparent and it must serve the purpose. This writ petition has been filed under misconception that the District Collector has attempted to construct the District Collectorate at the place earmarked for Government Medical College. The learned Additional Advocate General also submitted that the Health and Family Welfare Department, has given No Objection for this proposed District Collectorate for Tenkasi near the District Headquarters Hospital. Therefore, there is no reason to entertain this writ petition and to interfere with the said proposal of the Government.



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14. In the light of the above discussion, the writ petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dsk

To

1. The District Collector,
Office of the District Collector,
Tenkasi.
2. The Secretary to the Government,
Revenue and Disaster Management,
Revenue Department,
Fort St George, Chennai - 9.
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ARK(CO)

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