



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

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CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.20521 of 2021

M.Vadivel

.. Petitioner

Vs.

1. The Additional Chief Secretary
to the Government
Animal Husbandry Department
Fort St. George, Chennai 600 009.
2. The Directorate of Animal Husbandry
and Veterinary Science
DMS Complex, 3rd Floor, Block 2
Anna Salai, Teynampet
Chennai 600 018.
3. The District Collector, Villupuram.
4. The Regional Joint Director
Animal Husbandry and Veterinary Services
Villupuram.
5. The Assistant Director of Animal
Husbandry Department
Tindivanam, Villupuram District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the second respondent to establish a Branch Veterinary Hospital in Naranamangalam Village, Melmalaiyanur Taluk, Villupuram district by considering the fourth respondent's proceedings vide Na.Ka.No.2278/A3/2021 dated 30.07.2021.



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For the Petitioner : Ms.Shase
For Mr.M.Guruprasad
For the Respondents : Mr.P.Muthukumar
State Govt. Pleader

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner has instituted the present public interest litigation in support of the villagers in Naranamangalam Village, who are engaged in farming and raising livestock.

2. The grievance is that there is only one veterinary hospital in Avalurpettai and such veterinary hospital caters to villages within a radius of about 13 to 15 km. The petitioner says that repeated requests to the respondents for the purpose of constructing one or more further veterinary hospitals has fallen on deaf ears.

3. No mandamus can ordinarily be issued to command the construction of a hospital or to establish a facility. It is for the executive to decide as to the feasibility of the project, the need therefor and the resources available in such regard.

4. At the highest, the court may only direct the appropriate authority to consider the matter.

5. Accordingly, WP No.20521 of 2021 is disposed of by permitting the petitioner to carry a fresh, detailed representation in respect of the matters complained of to the first respondent Additional Chief Secretary in the Animal Husbandry Department. In the event any written representation is carried to the first respondent within four weeks from date, the first respondent should consider the matter in proper perspective and communicate a reasoned decision thereon to the petitioner within two months of the receipt of the request.

6. It is made clear that this court has not gone into the issue as to whether it is desirable or feasible or necessary to set up one or more veterinary hospitals in the locality.



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7. There will be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

tar

To:

1. The Additional Chief Secretary
to the Government
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Chennai 600 009.
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3. The District Collector
Villupuram District, Villupuram.
4. The Regional Joint Director
Animal Husbandry and Veterinary Services
Villupuram.
5. The Assistant Director of Animal
Husbandry Department
Tindivanam, Villupuram District.

+1cc to M/s.M.Guruprasad, Advocate, S.R.No.49548

W.P.No.20521 of 2021

SRA(CO)
SB(29/09/2021)