



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.11668 of 2021

and

W.M.P(MD) No.9180 of 2021

WEB COPY

K.S.Ganesan

... Petitioner

Vs.

1.The Government of Tamil Nadu
rep. by its Chief Secretary,
Fort St. George
Chennai - 600 009.

2.The Secretary to the Government,
Revenue and Disaster Management Department,
Government of Tamil Nadu
Fort St. George
Chennai - 600 009.

3.The District Collector
Tenkasi District,
Office of the District Collectorate,
Tenkasi.

4.The Secretary to the Government
Health and Family Welfare Department,
Government of Tamil Nadu
Fort St. George
Chennai - 600 009.

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 3 to reserve the 11.11 acres of land in the survey No.191 adjacent to the Tenkasi Government District Hospital for



construction of Tenkasi Government Medical College in accordance with G.O.(Ms) No.536 dated 29.11.2019.

For Petitioner : Mr.P.J.Rishikesh
for Mr.S.Venkatesh
For R-1 to R-4 : Mr.Veera Kathiravan,
Senior Counsel for Government
assisted by Mr.A.K.Manickam
Standing counsel for Government
For R-5 : Mr.G.Vidhya Maheswaran

O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

Heard Mr.P.J.Rishikesh, for Mr.S.Venkatesh learned counsel appearing for the petitioner, Mr.Veera Kathiravan, Senior Counsel for Government assisted by Mr.A.K.Manickam, learned Standing counsel appearing for the respondents 1 to 4 and Mr.G.Vidhya Maheswaran, learned counsel appearing for the fifth respondent.

2.The petitioner has filed this writ petition as a "Public Interest Litigation" to direct the respondents 1 to 3 to reserve 11.11 acres of land in the Survey No.191 adjacent to the Tenkasi Government District Hospital for construction of Tenkasi Government Medical College.

3.As on date, there appears to be no proposal to establish a Medical College in the newly formed Tenkasi District. Infact earlier there was a "Public Interest Litigation" filed before this Court in W.P(MD) No.17407 of 2020, to forbear the District Collector and the Secretary to the Government from constructing the District Collector Office in 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 Officer within the premises of the New Government Medical College, Tenkasi.

4.The said writ petition was dismissed by order, dated 11.12.2020, accepting the stand taken by the Government. The operative portion of the order reads as follows :

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.

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.

5.The present writ petition is also virtually for an identical relief, though the prayer is slightly differently worded. In any event, as on date there appears to be no concrete proposal to establish a Medical College in the newly formed Tenkasi District.

6. In such circumstances, it would be premature for this Court to express any opinion on the proposal to put up a building for the District Collector office in the place ear-marked and challenge to such a project by way of "Public Interest Litigation" has already been rejected. Hence, the prayer sought for in this writ petition cannot be granted at this juncture. However, we leave it open to the petitioner to approach the Government by way of representation seeking for sanctioning a Medical College for the newly formed Tenkasi District. We are conscious of the fact that the State Government cannot be itself take a decision to have a Medical College and it requires approval of the National Medical Commission and various other authorities.

7.With the above observations, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

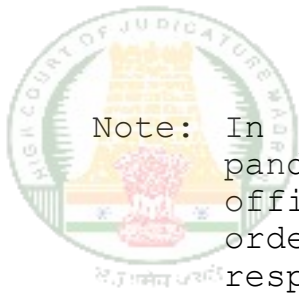
Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RM



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

- 1.The Chief Secretary,
Government of Tamil Nadu
Fort St. George
Chennai - 600 009.
- 2.The Secretary to the Government,
Revenue and Disaster Management Department,
Government of Tamil Nadu
Fort St. George
Chennai - 600 009.
- 3.The District Collector
Tenkasi District,
Office of the District Collectorate,
Tenkasi.
- 4.The Secretary to the Government
Health and Family Welfare Department,
Government of Tamil Nadu
Fort St. George
Chennai - 600 009.
- 5.The Government of India
Ministry of Health and Family Welfare
Department of Health and Family Welfare,
Medical Education Division,
Nirman Bhavan,
New Delhi - 110 011.
- 6.The Medical Council of India
Pocket-14, Sector-8,
Dwarka,
New Delhi - 110 077.

+1 CC to M/s.S.VENKATESH, Advocate (SR-22380[F] dated 13/07/2021)

+1 CC to M/s.SPL GP (SR-22688[F]SR-22650[F] dated 15/07/2021)

W.P. [MD]No.11668 of 2021

13.07.2021

RD(22.07.2021) 5P 9C