

2 22.03.2022
&
3 PA(SS)

WPA 24955 of 2014
Liyakat Ali
Vs.
State of West Bengal & Ors.
With
WPA 24956 of 2014
West Dinajpur Chamber of Commerce & Anr.
Vs.
State Of West Bengal & Ors.

Mr. Anindya Lahiri,
Mr. Mainak Ganguly, Advocates
...for the petitioners

Mr. A. Ray, Ld. GP
Mr. Md. T. M. Siddiqui,
Mr. N. Chatterjee, Advocates
...for the State

Mr. Amit Chakrabarti,
Ms. Sarda Sha, Advocates
...for the respondent Nos. 4,5 & 6

These petitions have been filed with the prayer to establish AIIMS at Raigunj, Uttar Dinajpur where it was originally proposed and agreed by the State Government instead of at Kalyani.

Affidavit in opposition filed on behalf of the respondent No.4 to 6 states that the Government of India had approved the proposal to establish an AIIMS like institute in West Bengal in the second phase of Pradhan Mantri Swasthaya Surakhsa Yojana for which the State was required to provide land free of cost and basic civil

amenities as well as requisite infrastructure. The State was unable to provide land and infrastructure to set up AIIMS at Raigunj, Uttar Dinajpur. Instead the State of West Bengal had provided free of cost land at Kalyani along with necessary infrastructure and statutory clearance, therefore, the Government of India had accepted the proposal to set up AIIMS at Kalyani. The affidavit further reveals that in 2008 merely a proposal was floated for determining feasibility of setting up AIIMS like institute at Raigunj but the same could not be taken up on account of involvement of the process of acquisition of land and lack of infrastructural facilities there. Since, the State of West Bengal had suggested that first AIIMS like institute should be established at Kalyani where infrastructural facilities are readily available and which is centrally located, therefore, the Government of India had finalized the location at Kalyani.

The affidavit further reveals that AIIMS at Kalyani has already been set up and become functional with operationalisation of OPD services and MBBS classes, hence at this stage the prayer made in the petition for setting up AIIMS at Raigunj, Uttar Dinajpur instead of at Kalyani cannot be granted. The prayer has now become infructuous.

During the course of argument learned Counsel for the petitioner has also raised the submission that in North Bengal there is lack of health facilities, therefore, AIIMS should be set up at Raigunj, North Bengal. Such a decision can be taken up by appropriate State and Central authorities having due regard to the infrastructure available and the other logistics, hence we leave this issue open and permit the petitioner to approach the competent authority in this regard. The petitions are accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)