



W.P.No.17271 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2022

Coram

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR
and
THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

W.P.No.17271 of 2022
and
WMP.No. 6596 of 2022

P.Annamalai

... Petitioner

-Vs-

1.The Additional Secretary,
Public Health & Family Welfare (No.1) Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600009.

2.The Director,
Public Health & Preventive Medicine
Chennai-600006.

3.The Deputy Director,
Health Services,
Perambalur -621220

4.The District Collector,
Perambalur -621212

5.The Revenue Administrative Office,



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Perambalur Taluk,
Perambalur.

..Respondents

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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1 to 4 Respondents to set up the Primary Health Centre at Kaikalathur Veppanthattai Blockas per the G.O. (Ms.) 303 dated 20.12.2016 issued by the Principal Secretary to Government and to commence construction of the Primary Health Centre in accordance with the said G.O. within a fixed time frame by this Court.

For Petitioner : M/s UshaRamman
For Respondents : Mrs.R.Anitha, Spl.GP

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR,J.*]

Seeking directions to respondents 1 to 4 to set up the Primary Health Centre at Kaikalathur Veppanthattai Blockas per the G.O. (Ms.) 303 dated 20.12.2016 issued by the Principal Secretary to Government and to commence construction of the Primary Health Centre in accordance with the said G.O, the instant writ petition has been filed.

2. According to the learned counsel for the petitioner, the then President of Village Panchayat, Pathangi Village, Kaikalathur Panchayat,



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Veppanthattai, Perambalur made an application dated 30.06.2016 to the District Collector, Perambalur enclosing all the revenue records and requested to set up Primary Health Centre in Survey No. 41/4. The Government have sanctioned 25 primary health centres vide G.O.Ms.303, dated 20.12.2016 in which Kaikalalur, Veppanthattai, Perambalur is placed in annexure at column no.21. Subsequently, the Executive Engineer, PWD department sanctioned Rs.60 lakhs for construction of the said primary health centre.

3. The learned counsel appearing for the petitioner has further submitted that again a representation was made in the year 2017 by the president of village panachayt to the District Collector, Perambalur stating that the land in survey no. 41/14 was wrongly classified as cart track in the revenue records and further requested to transfer the patta in S.No. 41/14 measuring an extent of 1.92 cents in the name of Director, Public Health Center in order to construct the primary health centre in the said land. The Director, Public Health & Preventive Medicine Chennai by communication dated 02.12.2020 has stated the District Collector has allotted the land in



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Survey No.257/1 to an extent of 0.23.00 Ares(57 cents) and subsequently dropped and again selected the land situated in S.No. 353/1 – 0.18.00 Ares, 354/2, 3 and 355 -0.41.50 Ares for construction instead of Survey No. 41/4 already allotted. The said order was issued without conducting any public opinion from the villagers.

4. The contention of the learned counsel for the petitioner is that from the year 2016, the authorities failed to construct the building for Primary Health Center even after sanctioning of amount of Rs.60 lakhs early in the year 2016. Hence, seeking directions, the present writ petition is filed.

5. Per contra, the learned Special Government Pleader has filed a status report on behalf of the official respondent and submitted that the Tahsildar, Veppanthattai Taluk has identified the land in Kai.Kalathur (East) Village Survey No. 25 having extent of 1 Acre out of the total extent 1.78.5 Hectares land at Kai.Kalathur Village. As per village revenue records, the said land is classified as 'Government Poramboke (Pillaiyar Kovil)'.



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6. It is further stated in the status report that the Deputy Director, Health Services, Perambalur has already agreed to the above proposed land for construction of primary health centre and the 4th respondent has also granted permission for prior entrance for the said proposed land to the Deputy Director, Health Services, Perambalur vide proceedings in Roc.No. B2/6476/2022, dated 18.08.2022. The Deputy Director, Health Services has also submitted application for transfer of land for construction of Primary Health Centre in the said Kai.Kalathur Villay and the same is under progress and the entire process will be completed on or before 15th October 2022.

7. In view of the statement made in the status report filed by the 4th respondent and the submissions made by the learned Special Government Pleader that the steps have been taken for construction of Primary Health Centre in the said Village and based on the funds sanctioned for construction, the respondents will proceed by floating the tender and commence the construction at the earliest, we are of the view that giving further directions to the respondents at this stage, will not yield any positive



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result as the respondents have already initiated the process for construction.

Therefore the present writ petition seeking directions to the respondent is liable to be dismissed.

8. In the result, the writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

(D.K.K, J.)

(T.V.T.S, J.)

03.11.2022

Index: Yes/No

Internet : Yes

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To

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