



W.P.No.33163 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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G.Raman

.. Petitioner

Vs

1. The Director,
Department of Public Health and Preventive Medicine,
Chennai-600 006.
2. The District Collector,
Kallakurichi District.
3. The Deputy Director,
Department of Public Health and Preventive Medicine,
Kallakurichi District.
4. The Divisional Medical Officer,
Government Primary Health Center,
Thiyagadurgam,
Kallakurichi District.

..

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st to 3rd



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respondents to establish the subordinate Health Center in Pallagacherry Village, Sankarapuram Taluk, Kallakurichi District by considering the petitioner's representation dated 30.07.2022.

For the Petitioner : Mr.Mohamed Ansar

For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

G.Raman, son of Govindhan, a resident of East Street, Pallagacherry Village, Sankarapuram Taluk, Kallakurichi District, has filed this writ petition seeking issuance of a writ of mandamus directing respondents 1 to 3 to establish a Subordinate Health Centre in Pallagacherry Village, Sankarapuram Taluk, Kallakurichi District, by considering the petitioner's representation dated 30.07.2022.

2. Learned counsel for the petitioner submitted that in the petitioner's village more than 10,000 people are residing and if any health issue arises, they have to go either to the Primary Health Centre, Thiyyagadurgam, by travelling more than 25 kms, or to the



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Subordinate Health Centre situated at Peelamedu, which is 5 kms away. Owing to the above, aged persons, pregnant ladies and children of the village are struggling to get instant and proper treatment at the required time.

3. It is further submitted that the petitioner sent a detailed representation on 30.7.2022 narrating the hardship faced by the villagers, but the third respondent sent a letter to the second respondent on 1.9.2022 to the effect that for the benefit of the residents of Pallagacherry Village and the surrounding areas, the Subordinate Health Centre was established at Peelamedu Village and, therefore, there is no need to establish a Subordinate Health Centre in Pallagacherry Village. It is further stated in the said communication dated 1.9.2022 that after getting opinion from the fourth respondent, the proposal will be sent to the first respondent for taking necessary action. It is the case of the petitioner that respondents 1 and 3, who are the competent authorities to approve the establishment of the Subordinate Health Centre in the petitioner's village, are not taking any action and, hence, the



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present writ petition has been filed.
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4. Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of the respondents, placed before us the written instructions received by him from the third respondent, wherein it has been categorically stated that the distance from Pallagacherry Village to Peelamedu Health Sub Centre is 2.5 kms. He, therefore, submitted that there is no necessity to construct a separate hospital in the petitioner's village for the present.

5. In view of the written instruction of the third respondent that there is a Health Sub Centre at a distance of 2.5 kms from the petitioner's village, we do not find any merit in the submission of the learned counsel for the petitioner. This court exercising jurisdiction under Article 226 of the Constitution of India cannot direct where a hospital has to be established. It is for the experts to decide where the hospital is to be established. In future, if need arises, the request of the petitioner will be considered. Till then, the villagers can avail the services from the Health Sub Centre, which is



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located at a distance of 2.5 kms.

In such view of the matter, the writ petition is dismissed.

There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
09.12.2022

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sasi

To:

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