

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17511 of 2023

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Surendra Pandey, S/o Jagdish @ Jagarnath Pandey, Resident of village and post- Darauli, P.S- Darauli, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Deputy Development Commissioner, Siwan.
5. The Civil Surgeon, Siwan.
6. The District Programm Officer, Purnea.
7. The Circle Officer, Darauli, Siwan.
8. The B.D.O Darauli Block Darauli Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Kinkar Kumar, SC-9

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 27-03-2024

The petitioner is said to be the President of Bhartiya Jan Manch (a non-political organization) raising the voice by filing the present Public Interest Litigation seeking a direction upon the respondents for construction of a Community Health Centre or alternatively upgrade the Primary Health Centre, Darauli, Siwan into the Community Heath Centre.

2. It is averred that presently the Primary Health



Centre, Darauli, Siwan consists of 6 bed health centre where male and female patients are being treated in the same room and the available medical facility of the Primary Health Centre are quite different from the standard medical facility, which ought to have been there. The Primary Health Centre, Darauli, Siwan is the only Medical Centre of the locality, around more than 2 lakhs population and the people of the locality have no option but to go to the Primary Health Centre in case of any medical emergency. The writ petition further discloses that the people of the locality have been continuously demanding for construction of Community Health Centre, as also for improvement of medical facility at Primary Health Centre, Darauli, Siwan and they also went on *Dharna* and the matter has been raised before all concerned, including the District Magistrate, Civil Surgeon and D.D.C., Siwan etc. but no action has been taken in this regard.

3. In response to the averments made in the writ petition, a counter affidavit has been filed on behalf of respondent no.5, the Civil Surgeon, Siwan.

4. Learned Government Counsel referring to the averments made in the counter affidavit submitted that considering the reasonable demand of the people of the locality,



deliberations were made in the meetings of the District Co-ordination Committee on 26.12.2020 and further on 27.02.2021. In this context, the adjoining land of the Zila Parishad was proposed to be transferred and necessary guidelines were also sought for by the concerned department. However, it was learnt that the land was utilized by the Zila Parishad for construction of a market and 11 shops were already constructed and a half constructed building was in place for Bazar Samiti. Thus, in the light of the unavailability of sufficient land in order to upgrade the Primary Health Centre, Darauli, a Referral Hospital of 30 beds was conceived in the nearby village Done, which is approximately 8 Km from the Primary Health Centre, Darauli. Further Rs. 6,44,95,000/- was also sanctioned for construction of the Referral Hospital vide letter dated 20.05.2019 issued by the Health Department.

5. On receipt of the copy of the present writ petition, a report was also called for and the contents of the report has been summarized, which are as follows:

“(i) Primary Health Centre, Darauli is a 6 bed hospital with 24X7 medical facilities with various amenities.

(ii). There exists a piece of land of Zila Parishad adjoining north of Primary health Centre, Darauli.



(iii). Letter No. 02 dated 02.02.17 that of the Circle Officer, Darauli states that land of the Zila Parishad comprises of two survey nos. 339 admeasuring 0.24 acres and 343 admeasuring 0.21 acres under Khata No. 433.

(iv). The Zila Parishad had constructed 11 shops for Bazar Samiti and also there exists a building which is half constructed.

(v). The letter dated 20.05.19 of the Health Department shows that provision of Rs. 6,44,95,000/- was declared for construction of Referral Hospital in nearby Village - Done at a distance of 8 Km from the Primary Health Centre, Darauli.

(vi). Referral Hospital of 30 beds was conceived in view of unavailability of sufficient land for up gradation of the Primary Health Centre, Darauli into a Community Health Centre.

(vii) The said Referral Hospital is spread over 21 Kathas of land with is awaiting operationalization.”

6. Learned Counsel for the State further submitted that the official respondents are sensitive towards the demand and grievance of the locality and considering the medical needs of the people of the locality the Referral Hospital, Done has been constructed with a strength of 30 beds within 8 Km from the Primary Health Centre, Darauli in order to cater the Medical



needs of the people residing in nearby the village. It has also been informed that the construction of Referral Hospital is already over awaiting inauguration.

7. Considering the rival submissions and the averments made in the counter affidavit, especially in the fact of the District Coordination Committee having consistently taken steps to meet the demands of the people of the locality, but on account of the unavailability of sufficient land in village Darauli, Siwan, a Referral Hospital of 30 beds have been constructed in the nearby village Done, at a distance of 8 Km from the Primary Health Centre, Darauli, this Court does not find any reason or occasion to continue with the present litigation. Thus, the same stands closed.

8. The writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.03.2024
Transmission Date	NA

