

24 22.02.2024
RP Ct. No. 01
AN

WPA(P) 69 of 2024

Chittaranjan Moni
Vs.
State of West Bengal & Ors.

Mr. Indrajit Roy Chowdhury
... for the petitioner

Mr. Anirban Ray, Id. G.P.
Mr. Sk. Md. Galib
Ms. Sujata Mukherjee
... for the State respondents

1. This writ petition has been filed by an Octogenarian whose father donated their ancestral property for the purpose of establishing an hospital and at this ripe age, he has approached this Court with a grievance that the hospital is not functioning properly.

2. Primarily there are four allegations made against the Administration, the first of which is that there are no doctors in the hospital. Learned counsel representing the State submitted that one doctor is attending the hospital which is a non-bedded hospital and he is available till 02.00 P.M. or until the last patient is seen. This submission is based upon the written instructions given by the Chief Medical Officer of Health, Government of West Bengal. The said instructions given by the Chief Medical Officer of Health is taken on record and there will be a direction that the Chief Medical Officer of Health shall ensure the presence of doctors on all days and should be available till the last patient is seen. The required support system for the doctor shall also be regular in place and this

shall be monitored by the Chief Medical Officer of Health.

3. The second allegation is that the part of the area of the hospital has been used by the Public Health Engineering Department. The Chief Medical Officer of Health has accepted the fact that the Public Health Engineering Department has stacked certain pipes without prior permission, however, would state that no hindrance to the access to the hospital due to such stacking of pipes. This submission is unacceptable since the Public Health Engineering Department cannot use the property in question for the purpose of stacking any hardware. Therefore, the Public Health Engineering Department are directed to remove the pipes within one week from the date of receipt of the server copy of this order and this shall be ensured by the Chief Medical Officer of Health.

4. The third allegation is that there is a proposal to demolish the staff quarters. Learned counsel representing the State, on written instructions, submits that there is no such proposal. The said written instruction is placed on record and there will be a perpetual order of injunction restraining the authorities from demolishing the said quarters.

5. The fourth allegation is that there are encroachments within the area earmarked for the hospital. The difficulty expressed by the Chief Medical Officer of Health is that the property has not been demarcated and, therefore, four boundaries of the said property are unidentifiable and as a result thereof, the encroachments

cannot be correctly identified. This submission is unacceptable as the Chief Medical Officer of Health should by now approach the Block Land and Land Reforms Officer for clear demarcation of the property and should have also take up appropriate steps either by building up compound wall or put up a fence.

6. Thus, we cannot accept such explanation and, therefore, there will be a direction to the Chief Medical Officer of Health to immediately approach the Block Land & Land Reforms Officer for sending his team of Officers to inspect the property and demarcate the property and fix the boundaries and therefore, the four boundaries of the hospital should be protected and at the first instance, the fence shall be erected and thereafter, a pakka compound wall should be erected protecting the entire premises. The inspection of the property and demarcation shall be commenced and completed within two weeks from the date of receipt of the server copy of this order.

7. Hence, with the above observations and directions, the writ petition is **disposed of** however without any order as to costs.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)

