



W.P.(MD)No.22823 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.22823 of 2017

A.Rajamani

: Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Collectorate Complex,
Pudukkottai.

2.The Principal Secretary,
Social Welfare Department,
Fort St. George,
Chennai – 600 009.

3.The Deputy Director of Health Department,
Office of the Director of Health Department,
Pudukkottai.

4.The Health Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records relating to the communication of the fourth respondent bearing Letter No.5480/N2/2017-6 dated 27.09.2017 and quash the same and pass suitable direction, directing the respondents to establish a Primary Health Centre at Alavayal Village, Ponnamaravathi Taluk, Pudukottai District.

For Petitioner : Mr.V.Nagarajan
for Mr.G.Vidhya Maheswaran
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

O R D E R

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

This Writ Petition has been filed seeking to quash the communication of the fourth respondent bearing Letter No. 5480/N2/2017-6 dated 27.09.2017 and for a subsequent direction to the respondents to establish a Primary Health Centre at Alavayal Village, Ponnamaravathi Taluk, Pudukottai District.

2.The learned Counsel for the petitioner would submit that the petitioner is a resident of Alavayal Village and the population of the said village is around 8500. There are several villages in and around Alavayal Village and the total population of



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the said villages is around 39,850. According to the petitioner, there is only one Primary Health Centre functioning at Ponnamaravathi and the same is 11 ½ kms away from the Alavayal village and therefore, the villagers have to travel a long distance from the said village for taking treatment at Ponnamaravathi. Hence, they made a request to the respondents for establishment of a new Primary Health Centre at Alavayal Village, but the same was rejected on the ground that there is no feasibility for establishing a new Primary Health Centre at Alavayal Village. Therefore, the petitioner is before this Court by way of the present Writ Petition which is styled as a Public Interest Litigation.

3.The learned Special Government Pleader appearing for the respondents would submit that the population of the said village is only 3768, whereas the population of Ponnamaravathi is above 1 lakh and hence, the petitioner's representation came to be rejected. Further, the said Primary Health Centre at Ponnamaravathi has been upgraded as Taluk Hospital.

4.The petitioner has earlier filed a Writ Petition in W.P. (MD)No.7245 of 2015. This Court vide order dated 29.04.2015 has recorded the statement of the petitioner that the population of the villages in and around Alavayal village is 39850 and issued a



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direction to the petitioner to submit a fresh representation to the District Collector, Pudukottai District, who on receipt of the same shall pass appropriate orders. But, without discussing the population of the said village as alleged by the petitioner and by simply stating that the population of Alavayal Village is 3768, the impugned order came to be passed. Therefore, we have no hesitation to set aside the impugned order.

5. Accordingly, this Writ Petition is allowed and the impugned order is set aside. The petitioner is directed to make a fresh representation to the respondents with all the necessary particulars including the materials to substantiate the population of the said village. On receipt of the said representation, the respondents shall consider the same by complying the earlier order of this Court and pass appropriate orders within a period of twelve [12] weeks from the date of receipt of the fresh representation. There shall be no order as to costs.

[D.K.K.,J.] & [M.S.K.,J.]
22.01.2024

Neutral Citation : Yes/No
Index : Yes/No
Internet : Yes/No
MR



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ORDER MADE IN
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