

(2009) 05 AHC CK 0243
In the Allahabad High Court

Avadesh Kumar

APPELLANT

Vs

State of U.P.and others.

RESPONDENT

Date of Decision : 22-05-2009

Acts Referred:

Citation : (2009) 05 AHC CK 0243

Hon'ble Judges : Pradeep Kant, J and Syed Nazim Husain Zaidi, J

Final Decision : Disposed Of

Judgement

S.N.H. Zaidi, J.

None appears for the petitioner.

Heard Sri Shyam Lal Dhanurdhari for the State.

The writ petition in the nature of Public Interest Litigation has been filed with respect to change of location for construction of Primary Health Centre.

The question as to where Primary Health Centre should be constructed and located mainly lies within the domain of the authority concerned but in a case where a site has already been earmarked by the competent authority, any change can only be effected if it is in public interest and that too with the consent of the persons, who are responsible for choosing the site for the purpose.

While choosing the site, the interest of the public in general on the principle of greatest good of greatest number should be followed so that benefit of such construction/opening of Primary Health Centre could be made available to the maximum number of persons.

In the instant case, it has been said that about 15 years back, a decision was taken to construct the Primary Health Centre on Plot No. 1128 but after such a long time, the same is not being constructed on the land earmarked for the purpose.

We, under the circumstances, dispose of the writ petition finally with a direction

that the District Magistrate and the Chief Medical Officer of the District shall look into the grievance of the petitioner and shall see that Primary Health Centre is constructed over a plot, which has been earmarked for the purpose, unless, of course, any change for better cause and in public interest is needed and that too after consulting the Gram Sabha and other interested persons, who may be heard before passing the order.

In view of the aforesaid direction, we require the petitioner to make a fresh representation to the District Magistrate within a period of two weeks and on receipt of such a representation, the matter shall be considered in the light of the observations made above and shall be decided within a maximum period of two weeks from the date of receipt of a certified copy of this order, and till the same is disposed of, no construction shall be carried on, on any plot except Plot No. 1128.

Subject to the observations aforesaid, the petition is disposed of finally.