



2025:KER:6891

WP(C) NO. 29522 OF 2024

-1-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR. JUSTICE S.MANU

FRIDAY, THE 24TH DAY OF JANUARY 2025 / 4TH MAGHA, 1946

WP(C) NO. 29522 OF 2024

PETITIONER/S:

- 1 M.P. JAYAPRAKSHAN
AGED 76 YEARS
S/O. M.N. PADMANABHAN, RESIDING AT CHAITHRAM,
MADATHIKKATTIL, MANAKUNNAM VILLAGE, KANAYANNUR
TALUK, POOTHOTTA P.O., ERNAKULAM, PIN - 682307**
- 2 K.T. VIMALAN
AGED 63 YEARS
S/O. THEVAN, RESIDING AT KALTHITHARA, MANAKUNNAM
VILLAGE, KANAYANNUR TALUK, POOTHOTTA P.O.,
ERNAKULAM, PIN - 682307**
- 3 M.P. SHYMON
AGED 58 YEARS
S/O. M.N. PARAMESSWARAN, RESIDING AT
MADATHIKKATTIL, MANAKUNNAM VILLAGE, KANAYANNUR
TALUK, POOTHOTTA P.O., ERNAKULAM, PIN - 682307**

**BY ADVS.
P.G.JAYASHANKAR
S.RAJEEV (K/001711/2019)
SAJANA V.H
SHAIJU GEORGE**



2025:KER:6891

WP(C) NO. 29522 OF 2024

- 2 -

**AADERSH R.S. PANICKER
PUSHPAVATHI.K
ANAKSHA RIYA MOHAN**

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001**
- 2 THE DISTRICT COLLECTOR
ERNAKULAM, COLLECTORATE, KAKKANADU, ERNAKULAM,
PIN - 682030**
- 3 THE DISTRICT MEDICAL OFFICER
ERNAKULAM, PARK AVENUE, GENERAL HOSPITAL
COMPOUND, ERNAKULAM, KERALA, PIN - 682011**
- 4 GOVERNMENT COMMUNITY HEALTH CENTRE
POOTHOTTA PO, UDAYAMPEROOR, ERNAKULAM,
REPRESENTED BY MEDICAL OFFICER IN CHARGE, PIN -
682307**
- 5 MULANTHURUTHY BLOCK PANCHAYATH
PERUMPILLY PO, ERNAKULAM, REPRESENTED BY ITS
SECRETARY., PIN - 682314**

SRI K P HARISH, SR.GP

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 24.01.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**



2025:KER:6891

WP(C) NO. 29522 OF 2024

- 3 -

JUDGMENTDated this the 24th day of January 2025NITIN JAMDAR, C.J.

This is a petition filed in public interest by the residents of Manakunnam Village raising their grievances regarding lack of medical facilities available at the Community Health Center in their village.

2. Heard Mr. P.G. Jayashankar, learned counsel appearing for the Petitioners and Mr. K.P. Harish, learned Senior Government Pleader for the State.

3. A hospital was established in the village in the year 1945. It was established originally as a government dispensary, and it had a full time doctor with sufficient nursing help, provision for inpatient treatment, labour room facilities and also an operation theatre. There were 5 doctors, 31 staff and 44 beds for inpatient treatment and also facilities including quarters for staff. On 11 November 2015, the Department of Health and Family Welfare upgraded the hospital to a Community Health Centre. After being upgraded to Community Health Centre, it has a capacity for 44 beds, one Civil Surgeon, four



- 4 -

Assistant Surgeons, one clerk, two Senior Nursing Officers, five Nursing Officer Grade I, four Nursing Officer Grade II, one Lab Technician, one J.P.H.N., one Pharmacist Grade I, one Pharmacist Grade II, four Nursing Assistants, one Hospital Attendant Grade I and four Hospital Attendant Grade II. The inpatient treatment was discontinued with effect from 10 March 2020, since the building had become old.

3. The grievance of the Petitioners is that though a new building has been constructed, the medical facilities are not sufficient, more particularly, there is no facility for inpatient treatment. They contend that Community Health Centres with inpatient treatment at Tripunithura and Vaikom are about 26 km away from their village, and therefore, their right to access medical care is being denied. Their representations to the State have not yielded any result, and thus the Petitioners have filed this Writ Petition for directions to the State.

4. A counter affidavit is filed on behalf of the State by Respondent No.3, the District Medical Officer, on 25 October 2024. It is stated that the Community Health Centre was upgraded to the Block Family Health Centre on 20 March 2020. The infrastructure facilities, including the ramp and lift in the new building, have to be created by Respondent No.5, the Local Self Government Department.



2025:KER:6891

WP(C) NO. 29522 OF 2024

-5-

As regards the inpatient facility, the position is accepted. The said facility was available up to March 2020. Since the building was found unfit, it was demolished in the year 2022, and the sole reason for not providing an inpatient facility is that the ramp and lift facilities were not created by Respondent No.5.

5. It is an admitted position that the inpatient treatment at the Community Health Centre has been discontinued since 10 March 2020. It is unacceptable that even after the construction of the new building, the inpatient facility is not being provided because the ramp and lift are yet to be created. No other reason is shown to us. When a new building is constructed to function as a hospital, it is illogical not to provide a ramp or lift, without which the hospital cannot be put into effective use. As it has been more than a year since the construction of the new building and no ramp or lift facilities have been provided to date, a time limit will have to be set because the matter is directly relatable to the health care of the residents in the area.

5. Therefore, we direct that all the Respondents shall co-ordinate under the supervision of Respondent No.2, the District Collector, who will issue necessary directions to the concerned Respondents or any other Government agency which may not be a party to the petition, and ensure that inpatient treatment commences



2025:KER:6891

WP(C) NO. 29522 OF 2024

- 6 -

in the hospital within a period of four months from today. All Respondents and all Government authorities will act in aid of the District Collector to enable the District Collector to comply with these directions.

6. The writ petition is disposed of in the above terms.

Sd/-

**NITIN JAMDAR
CHIEF JUSTICE**

Sd/-

**S.MANU
JUDGE**

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2025:KER:6891

WP(C) NO. 29522 OF 2024**- 7 -****APPENDIX OF WP(C) 29522/2024****PETITIONER EXHIBITS**

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|-------------------|---|
| Exhibit P1 | A TRUE COPY OF THE APPLICATION UNDER RIGHT TO INFORMATION ACT, DATED 04.09.2023 BEFORE THE PUBLIC INFORMATION OFFICER OF THE 4TH RESPONDENT HEREIN |
| Exhibit P2 | A TRUE COPY OF THE REPLY DATED 25.09.2023 ISSUED BY THE PUBLIC INFORMATION OFFICER OF THE 4TH RESPONDENT, WITHOUT ITS ENCLOSURES |
| Exhibit P3 | A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE POOTHOTTA COMMUNITY HEALTH CENTRE VIKASANA SAMRAKSHANA SAMITHI BEFORE THE 2ND RESPONDENT DATED 25.03.2023 |
| Exhibit P4 | A TRUE COPY OF THE LETTER DATED 08.09.2023 ISSUED BY THE 3RD RESPONDENT ADDRESSED TO THE GENERAL CONVENER OF GOVERNMENT COMMUNITY HEALTH CENTRE VIKASANA SAMRAKSHANA SAMITHI |
| Exhibit P5 | A TRUE COPY OF THE REPRESENTATION DATED 30.12.2023 FILED BY THE GOVERNMENT COMMUNITY HEALTH CENTRE VIKASANA SAMRAKSHANA SAMITHI BEFORE THE NAVA KERALA SADAS |
| Exhibit P6 | A TRUE COPY OF THE RECEIPT EVIDENCING THE SUBMISSION OF EXT P5 REPRESENTATION BEARING SERIAL NO. 4405 |
| Exhibit P7 | A TRUE COPY OF THE NOTICE DATED 19.03.2024 ISSUED BY THE GOVERNMENT COMMUNITY HEALTH CENTRE VIKASANA SAMRAKSHANA SAMITHI TO THE UDAYAMPEROOR GRAMA PANCHAYATH |