

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR
&
THE HONOURABLE MR. JUSTICE S.MANU

Thursday, the 27th day of March 2025 / 6th Chaithra, 1947
WP(C) NO. 18550 OF 2024(S)

PETITIONER:

AIIMS KASARAGOD JANAKEEYA KOOTTAYMA,
REG.NO. KSR/CA/143/2022, LIBAS BUILDING,
CHOWKI P.O, KUDLU, MOGRAL PUTHUR, KASARAGOD - 671 124.
REPRESENTED BY ITS PRESIDENT GANESHAN B ARAMANGANAM,
AGED 52, S/O NEELAMBHARI, KALANAD POST,
KASARAGOD, PIN - 671 317.

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY JOINT SECRETARY, MINISTRY OF HEALTH AND FAMILY WELFARE, PMSSY DIVISION, NARIMAN BHAVAN, NEW DELHI, PIN - 110 001.
2. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
3. MINISTRY OF HEALTH AND FAMILY WELFARE, GOVERNMENT OF KERALA, REPRESENTED BY DIRECTOR, DIRECTORATE OF HEALTH SERVICES, GENERAL HOSPITAL JUNCTION, THIRUVANANTHAPURAM, PIN - 695 035.
4. THE SECRETARY, DEPARTMENT OF HEALTH AND FAMILY WELFARE, GOVERNMENT OF INDIA, BHAWAN, RAJPATH AREA, CENTRAL SECRETARIAT, NEW DELHI, DELHI, PIN - 110 001.
5. THE DISTRICT COLLECTOR, COLLECTORATE, CIVIL STATION, VIDYANAGAR, KASARAGOD, KERALA, PIN - 671 123.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 2nd and 3rd respondent to resubmit a list including Kasaragod as a potential site for the establishment of AIIMS as per criteria mentioned in Ext.P7, pending disposal of this Writ Petition.

This petition coming again on for orders upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 28/01/2025 and upon hearing the arguments of M/S. K.K.SUBEESH & ROY THOMAS (MUVATTUPUZHA), Advocates for the petitioner, S.BIJU, SENIOR CENTRAL GOVERNMENT COUNSEL for R1 & R4 and of SRI.K.P.HARISH, SENIOR GOVERNMENT PLEADER for R2, R3 & R5, the court passed the following:

P.T.O.

NITIN JAMDAR, C.J. & S. MANU, J.

W.P.(C) Nos.18550 & 23001 of 2024

Dated this the 27th day of March, 2025

ORDER

Nitin Jamdar, C.J.

Heard Mr. Roy Thomas (Muvattupuzha), learned counsel for the Petitioner in W.P.(C) No.18550 of 2024, Mr. Irfan Ziraj, learned counsel for the Petitioners in W.P.(C) No.23001 of 2024, Mr. S. Biju, learned Senior Central Government Counsel for the Respondent – Union of India, Mr. Nitheesh for Mr. P. U. Shailajan, learned Standing Counsel for the Kerala State Industrial Development Corporation and Mr. K. P. Harish, learned Senior Government Pleader for the Respondent – State.

2. On 28 January 2025, we had passed an order calling upon the State to file a counter affidavit. The relevant portion of the said order reads thus :-

“3. The Petitioners are disputing the site selection, contending that it is not as per the procedure laid down by the Union of India and that the AIIMS should be situated in an area where the Petitioners reside, i.e., in Kasaragod District.

4. The Government of India, through the Cabinet Secretariat, has issued guidelines for the selection of sites and locations. The locations are

selected through the “Challenge Method”. The details of this method are given in the guidelines. The process for site selection is specified, stages are enumerated, and it is emphasized that proper site/location selection is a multi-criteria decision-making process which would bring maximum advantages and benefits to the community. As of today, as informed to us, the Union of India has not taken any final decision on the matter, and the State has selected the site in anticipation of the decision of the Union of India.

5. *We are not entering into the question that the AIIMS should be situated at Kozhikode or Kasaragod District or other places, as the guidelines themselves suggest various factors coming into play, on which a decision has to be taken by the State Government and the Union of India. However, the State should also keep in mind the fact that the site selection must conform to the guidelines, otherwise the same could be rejected by the Union of India and/or sent back for reconsideration for not following the guidelines. Only with that object in mind, we direct that a counter affidavit be filed by the Health Secretary, Department of Health and Family Welfare, Government of Kerala, to place on record whether, in the site selection, the State Government has followed the norms laid down by the Union of India.*

6. *To enable the filing of the counter affidavit, the hearing of these Writ Petitions is deferred to 26 March 2025.”*

Therefore, the main question the State was called upon to answer was whether its' site selection was in conformity with the Guidelines issued

by the Government of India. Otherwise, there is a possibility of rejecting the site by the Government of India, and in the meanwhile, if any amount is spent from the public exchequer, there is a risk of the amount being misspent.

3. A counter is filed by the Deputy Secretary, Health & Family Welfare (S) Department on behalf of the State in W.P.(C) No.18550 of 2024, wherein paragraph 4, it is stated that the State Government had identified the land in Kinaloor in Kozhikode District and the same was communicated to the Government of India. Thereafter, in paragraphs 5 to 9, what is primarily placed on record is the internal procedure followed by the State Government. There is no clear answer to the query as to whether this site selection is in conformity with the Guidelines issued by the Government of India. All that is stated is the Secretary, Ministry of Health and Family Welfare, Government of India has been requested to depute a team for feasibility study and the reply is awaited. We grant one more opportunity to the State to place before us a positive statement that site selection was done as per the Guidelines issued by the Government of India.

4. Post on 10 April 2025.

5. We take note of the apprehension of the Petitioners that if in the meanwhile the Government continues to spend money on the site and ultimately, the site is not accepted by the Government of India, there will be substantial loss to the public exchequer. Considering the fact that the Government of India is yet to depute a feasibility study team,

the State Government, before proceeding with the investment on the selected site, will keep in mind the implications of non-approval of the site by the Government of India and then proceed.

Sd/-

**NITIN JAMDAR
CHIEF JUSTICE**

Sd/-

**S. MANU
JUDGE**

Jvt/27.3.2025

