

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

OWP 1873/2017 (O&M)

Inder Kumar and Ors.

...Petitioner(s)

Through :- Mr. Rakesh Chagotra, Advocate

V/s

State of J&K & Ors.

...Respondent(s)

Through :- Mr. H. A. Siddiqui, Sr. A. A.G.

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE

ORDER

01. The petitioners have filed present petition impugning the communication dated 10.11.2016, whereby reference has been made by District Development Commissioner, Doda, to the Director Health Services, Jammu, for relocation of the Sub Centre to be opened under National Health Mission (NHM) in Village Mallan.

02. Learned counsel for the petitioners submitted that decision was taken by the Cabinet for establishment of 826 new Sub Centers in the State under the NHM. Location thereof was provided in the Annexure attached to the decision. In District Doda, one of the place is Village Mallan. Instead of opening the Sub Centre there, reference has been made by the District Development Commissioner, Doda, for relocation of the Sub Centre. He has no jurisdiction to change the decision of the Cabinet.

03. On the other hand, learned State counsel submitted that the impugned communication is merely a reference by the District Development Commissioner, Doda to the Director Health Services for consideration of the relocation of the

Sub Centre keeping in view the necessity of other places as compared to the place where it is proposed. The matter has not yet been decided. The decision for the purpose shall be taken after following due process of law and keeping in view the requirements of the residents of the area.

04. After hearing learned counsel for the parties and considering the stand taken by the learned counsel for the respondents, the present petition is disposed of at this stage as pre mature as no final decision has yet been taken by the authorities to relocate the Sub Centre proposed for Village Mallan to any other place. In case, any decision is taken against which the petitioners have any grievance, they may avail of their appropriate remedy at that stage.

Jammu
31.07.2019
Sunita



(RAJESH BINDAL)
JUDGE

Whether the order is speaking?	:	Yes
Whether the order is reportable?	:	Yes/No