

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 1<sup>ST</sup> DAY OF JUNE 2021 / 11TH JYAISHTA, 1943

WP(C) NO. 11656 OF 2021 (S)

PETITIONER

MOHAMMED SALIH P.M., ADVOCATE, AGED 34 YEARS,  
S/O. POOKUNHI B.K, PUTHIYA MOOLECHETTA (H),  
AMINI ISLAND, UNION TERRITORY OF LAKSHADWEEP-682 552.

BY ADVS.  
T.M.MUHAMED HAFEES  
S.SIBHA  
PARVATHY VIJAYAN

RESPONDENTS:

- 1 THE ADMINISTRATOR,  
ADMINISTRATION OF UNION TERRITORY OF LAKSHADWEEP,  
KAVARATTI, UNION TERRITORY OF LAKSHADWEEP-682 552.
- 2 THE DIRECTOR,  
DEPARTMENT OF HEALTH SERVICES,  
KAVARATTI, UNION TERRITORY OF LAKSHADWEEP-682 552.
- 3 THE DIRECTOR,  
DEPARTMENT OF PORT SHIPPING & AVIATION,  
KAVARATTI, UNION TERRITORY OF LAKSHADWEEP-682 552.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.06.2021,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

A.MUHAMED MUSTAQUE & DR.KAUSER EDAPPAGATH, JJ.

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W.P.(C).No.11656/2021

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Dated this the 1<sup>st</sup> day of June, 2021

O R D E R

A.Muhamed Mustaque, J.

This writ petition is filed by a native of Amini Island of the Union Territory of Lakshadweep challenging Ext.P3 office order of the Director of Health Services. As seen from Ext.P3 that a State Level Committee has been constituted for recommending special sortie evacuation from Lakshadweep Islands to Kochi/Agatti/Kavarathi on health grounds. It appears that such evacuation operation was carried out based on the request made by the Medical Officer/Superintendent of the Hospitals concerned. Considering the limited resources for logistics and huge expenses incurred, it appears that a decision was taken to streamline the evacuation procedure in such cases.

2. It is submitted by the learned Standing Counsel for the Lakshadweep Administration that taking note of the inhabitants of the Island, the Lakshadweep Administration had made available service <sup>~</sup> totalling more than 94 Allopathic Doctors including Specialist Doctors in different Islands. Therefore, it is submitted that only in

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an extreme situation, such an evacuation is necessary.

3. The main apprehension of the petitioner appears to be the delay in taking a decision by such Committee which, according to the petitioner, would ultimately endanger the life of the patient.

4. The learned Standing Counsel submitted that there may not be any difficulty in taking a decision by the Committee on case to case basis depending on exigencies.

5. We are of the considered view that if some guidelines are drawn by the Committee in regard to the manner in which a decision will be taken that would allay all the apprehensions of the inhabitants in the Lakshadweep Islands. It is appropriate that such guidelines be placed before this Court by next posting.

Post after 10 days.

Sd/-A.MUHAMED MUSTAQUE, JUDGE

Sd/-DR. KAUSER EDAPPAGATH, JUDGE

/true copy//

'R/ms

2/6/2021

  
ASSISTANT REGISTRAR

2.6.21