

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**  
**PRESENT**  
**THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR**  
**&**  
**THE HONOURABLE MR.JUSTICE BASANT BALAJI**

Tuesday, the 26<sup>th</sup> day of August 2025 / 4th Bhadra, 1947  
**WP(PIL) NO. 74 OF 2025(S)**

**PETITIONERS:**

1. G.SAMUEL, AGED 60 YEARS, S/O. G. GEORGE, VALIYAPARAMBIL, VETTIYAR, MANGANKUZHI, MAVELIKKARA, ALAPPUZHA DISTRICT, PIN - 690 558.
2. ANTONY ALEX, AGED 54 YEARS, S/O. M.T.ANTONY, MANIMURIMATTATHIL, KOTTAMURI PO, KOTTAYAM, PIN - 686 105.
3. CHACKO P.J, AGED 63 YEARS, S/O. JOSEPH, VARAPUTHRA HOUSE, KOTTAMURI PO, THRIKKADITHANAM KOTTAYAM, PIN - 686 105.

**RESPONDENTS:**

1. STATE OF KERALA (\*DELETED), REPRESENTED BY GOVERNMENT PLEADER, HIGH COURT OF KERALA, PIN - 682 031. \*R1 IS DELETED AS PER ORDER DATED 23/07/2025 IN IA 2/2025 IN WP(PIL) 74/2025.
2. ADDITIONAL CHIEF SECRETARY, GOVERNMENT OF KERALA, HEALTH AND FAMILY WELFARE, DIRECTOR OF HEALTH SERVICES, SECRETARIAT, TRIVANDRUM, PIN - 695 001.
3. MEDICAL SUPERINTENDANT, MEDICAL COLLEGE HOSPITAL, KOTTAYAM, PIN - 686 008.
4. PRESIDENT, KERALA GOVERNMENT MEDICAL OFFICERS ASSOCIATION, KGMOA HEAD QUARTERS, RED CROSS ROAD, THIRUVANANTHAPURAM, PIN - 695 035.  
**ADDITIONAL R5 IMPEADED**
5. KERALA STATE COUNCIL FOR CLINICAL ESTABLISHMENT, REPRESENTED BY SECRETARY OF THE HEALTH AND FAMILY WELFARE DEPARTMENT, SECRETARIAT, TRIVANDRUM - 695 001.  
ADDL.R5 IS IMPEADED AS PER ORDER DATED 23/07/2025 IN IA 1/2025 IN WP(PIL) 74/2025.

**ADDITIONAL R6 IMPEADED**

6. THE KERALA STATE LEGAL SERVICES AUTHORITY, HIGH COURT COMPOUND, ERNAKULAM, KERALA, PIN - 682 031  
ADDL.R6 IS IMPEADED AS PER ORDER DATED 08/08/2025  
IN WP(PIL) 74/2025.

P.T.O.

Writ petition (Public Interest Litigation) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(PIL) the High Court be pleased to direct the 2nd respondent for effective administration of infrastructure, equipments related to the surgery, hygienic situation of the all medical colleges and other said hospitals belong to the government, till the disposal of the writ petition.

This petition coming again on for admission upon perusing the petition and the affidavit filed in support of WP(PIL), this Court's order dated 08/08/2025 and upon hearing the arguments of M/S. ALEX K.JOHN, SATHEESH T.P., JILCY JACOB, SIJIN STANLEY, CYRIAC ELIAS STEEN, SREEKUTTAN M., NINAN THOMAS, GEGO GEORGE, PRATHITHA MARIYAM THOMAS & FIDA HASNA P.P., Advocates for the petitioners, SRI.N.MANOJ KUMAR, STATE ATTORNEY for R2 & R3, SRI. LEO LUKOSE, Advocate for R6 and of SRI. RANJITH THAMPAN (Senior Advocate), Amicus curiae, the court passed the following:



P.T.O.

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**NITIN JAMDAR, C. J.****&****BASANT BALAJI, J.**

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Dated this the 26<sup>th</sup> day of August, 2025**ORDER****Nitin Jamdar, C. J.**

Heard Ms. Fida Hasna P.P., learned counsel for the Petitioners, Mr. N. Manoj Kumar, learned State Attorney appearing for Respondent Nos.1 to 3, Mr. Leo Lukose, learned counsel for Respondent No.6, and Mr. Renjith Thampan, learned *Amicus Curiae*.

2. The learned *Amicus Curiae* submits that a short note will be placed on record and seeks time to do so. The learned State Attorney has drawn our attention to the additional affidavit filed by the Additional Chief Secretary to the Government, Health and Family Welfare Department, Government of Kerala, dated 20 August 2025. The Additional Chief Secretary has placed on record that the grievance redressal committee, as contemplated under Section 36 of the Kerala Clinical Establishments (Registration and Regulation) Act, 2018 (Act of 2018), has been reconstituted as per the Government Order dated 19 August 2025. As regards the framing of Rules, as contemplated under Section 4(1)(e) of the Act of 2018, it is stated that the process is being initiated and requires at least three months' time to finalize.

3. The process of finalizing and notifying the Rules will take time, as

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stated by the Additional Chief Secretary. The Act of 2018 contemplates both the registration and regulation of clinical establishments, including Government Hospitals. The State Council established under the Act of 2018 also has overall supervisory tasks to perform. As regards the feedback mechanism, the State Council can hold public hearings, and grievance redressal committees can receive inputs and complaints in respect of Government Hospitals. However, the State Council has not carried out any inspections of Government Hospitals under the Act, and the grievance redressal committee remained non-functional for more than one and a half years. The issues such as the one raised in this Petition fall squarely within the ambit of the State Council and the grievance redressal committee. In view of the absence of inspections and a functional grievance redressal committee for a substantial period, it would aid and assist the State machinery under the Act of 2018 if inputs regarding Government Hospitals are received.

4. In response to a query as to whether the Kerala State Legal Services Authority (KeLSA) could contribute in this regard, learned counsel for KeLSA submitted that the Taluk Legal Services Authority and the District Legal Services Authority can visit Government Hospitals within their respective jurisdictions. We are informed that there are Primary Healthcare Hospitals at the taluk level and District Hospitals at the district level. Accordingly, visits by the Taluk and District Legal Services Authorities, and the reports prepared by them, would substantially assist the Authorities under the Act of 2018. The Taluk and District Legal Services Authorities

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can visit the Government Hospitals within their jurisdiction, focusing on infrastructure, hygiene, human resources, availability of medicines and equipment. The report submitted through such visit may not be akin to an inspection by an expert body under the Act of 2018, but it will highlight if there are any general issues that need to be redressed on urgent basis. The Taluk Legal Services Authority can submit its report to the District Legal Services Authority, which, in turn, can forward the compilation to the State Legal Services Authority. The State Legal Services Authority can forward the same to the grievance redressal committee now reconstituted and the State Council.

5. At present, a single visit by the District Legal Services Authority to the Government Hospitals within its jurisdiction, would suffice, unless further directions are issued. The learned counsel for the KeLSA submitted that this visit would be carried out simultaneously by the Taluk / District Legal Services Authority and report would be prepared and submitted. We make it clear that this visit by the Taluk / District Legal Services Authority and the submission of report are only to assist and aid the feedback mechanism under the Act of 2018 and are not in substitution of the statutory functions of the State Council.

6. Now that the grievance redressal committee has been duly reconstituted, the State Government will consider making it more accessible by providing the committee with an online presence, including a dedicated email address, and, if feasible, a social media presence. This would enable any resident of the State of Kerala to submit grievances directly to the

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grievance redressal committee and upload audio-visual material. Ultimately, through this feedback mechanism, the State will be in a better position to address the issues relating to primary healthcare, particularly with regard to infrastructure deficiencies, wherever they exist. We expect that the initiative by KeLSA will be completed within six weeks.

7. Post on 7 October 2025.

krj/-



Sd/-  
**NITIN JAMDAR,**  
**CHIEF JUSTICE**

Sd/-  
**BASANT BALAJI,**  
**JUDGE**

//TRUE COPY//

P.A. TO C.J.