



CNR: KAHC010410482026

NC: 2026:KHC:37317
WP No. 18680 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 18680 OF 2026 (GM-RES)

BETWEEN:

1. M/S. DEEPARSI MULTISPECIALITIES HOSPITAL
5TH CROSS ROAD, PAVAMAN NAGAR,
SUBHASH NAGAR, 8TH PHASE,
J.P. NAGAR, BENGALURU - 560076,
REPRESENTED BY ITS MANAGING DIRECTOR
MR. MURTHY.
2. MR. ERAYYA,
ADMINISTRATOR,
M/S. DEEPARSI MULTISPECIALITIES HOSPITAL,
5TH CROSS ROAD, PAVAMAN NAGAR,
SUBHASH NAGAR, 8TH PHASE,
J.P. NAGAR, BENGALURU - 560 076.

...PETITIONERS

(BY SRI. DR. S.V. JOGA RAO, ADVOCATE)

AND:

1. KARNATAKA MEDICAL COUNCIL
16/6, MILLERS RD, KAVERAPPA LAYOUT,
VASANTH NAGAR, BENGALURU - 560 052
REPRESENTED BY ITS REGISTRAR.
2. SMT. ANUPAMA N.H.
W/O. LATE MR. VINAY KUMAR N

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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NO.332, ROYAL TOWNSHIP,
HUSKUR MAIN ROAD,
BEHIND GOLDEN FARM RESORT,
OFF. TUMKUR MAIN ROAD, NAGARURU,
BENGALURU - 562 123
PH: 9740863740.

3. SRI. VISHAL KUMAR N.
ELDER BROTHER OF LATE MR. VINAY KUMAR N
MAJOR, AGE NOT KNOWN
KASTURIBA ROAD, AGRAHARA,
30TH WARD, CHINTHAMANI,
CHIKKABALLAPUR - 563 125.
PH: 8884774760.

...RESPONDENTS

(BY SRI. RATHNA SHIVAYOGIMATH, ADVOCATE FOR R1;
NOTICE TO R3 AND R3 DISPESED WITH ON 20.07.2026)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE A WRIT
OF CERTIORARI QUASHING THE ADVERSE OBSERVATIONS,
FINDINGS AND CONCLUSIONS RECORDED AGAINST THE
PETITIONERS IN THE FINAL ORDER DATED 27.12.2025 VIDE
ANNEXURE-A PASSED BY THE RESPONDENT NO. 1 IN ENQUIRY
NO. KMC/ENQ/41/2018 COMMUNICATED TO THE PETITIONERS
VIDE ANNEX-B ATED 13.01.2026 AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ



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ORAL ORDER

1. Sri. Rathna Shivayogimath, learned counsel accepts notice for respondent No.1.
2. Notice to respondent Nos.2 and 3 is dispensed with in view of the proposed order to be passed.
3. Petitioner No.1/hospital and petitioner No.2/administrator of the hospital are before this Court seeking for the following reliefs:
 - a. *Issue a writ of certiorari quashing the adverse observations, findings and conclusions recorded against the petitioners in the final order dated 27.12.2025 vide annexure-a passed by the respondent no.1 in enquiry no. KMC/ENQ/41/2018) communicated to the petitioners vide Annexure-B dated 13.01.2026'*
 - b. *Declare that the Karnataka Medical Council had no jurisdiction to render findings against respondent nos.1 and 3 after having held that they were outside its disciplinary jurisdiction;*
 - c. *Expunge all observations touching upon the conduct, management, treatment protocol and alleged negligence of the petitioners;*
 - d. *Pass such other order or direction as this Hon'ble court deems fit in the interests of justice and equity.*
4. Respondent Nos.2 and 3 lodged a complaint before respondent No.1-Karnataka Medical Council (KMC), alleging that the husband of respondent No.2 was not provided with prompt medical attention and



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appropriate first aid. The KMC considered the complaint. Insofar as the allegations against the treating medical practitioner were concerned, the proceedings were continued before the KMC. However, since petitioner No.1 is a clinical establishment registered under the Karnataka Private Medical Establishments Act, 2007 (for short, "the KPME Act") and petitioner No.2 is its Administrator, the KMC directed its Registrar to forward a copy of the order to the Karnataka Private Medical Establishments Authority (KPME Authority), Bengaluru, and the Ayush Council, for such action as may be warranted in accordance with law, observing that the establishment itself did not fall within the regulatory jurisdiction of the Karnataka Medical Council.

5. Learned counsel for the petitioners, Dr. S.V. Joga Rao, places reliance on the proviso to Section 8(1) of the KPMEA Act to contend that where the District Registration and Grievance Redressal Authority receives a complaint involving medical negligence or non-adherence to standard treatment protocols, procedures, or prescription practices, the Authority is required to refer the matter to the Karnataka Medical Council for enquiry and submission of its report



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within sixty days. It is therefore submitted that the KMC had no jurisdiction to refer the matter to the KPMEA Authority.

6. The said contention cannot be accepted. Admittedly, the complaint was instituted before the Karnataka Medical Council and not before the District Registration and Grievance Redressal Authority constituted under the KPMEA Act. The Karnataka Medical Council exercises jurisdiction over registered medical practitioners in matters concerning professional conduct, ethics and disciplinary action, including removal of a practitioner's name from the register for professional misconduct. It does not exercise regulatory jurisdiction over clinical establishments registered under the KPMEA Act. Recognising this statutory limitation, the KMC merely directed that the matter, insofar as it concerned the clinical establishment, be placed before the competent authority under the KPMEA Act.
7. The proviso to Section 8(1) of the KPME Act governs the procedure to be followed after a complaint is received by the District Registration and Grievance Redressal Authority. It obligates that Authority to refer allegations relating to medical negligence or



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non-adherence to prescribed treatment protocols to the Karnataka Medical Council for enquiry and report. The impugned action of the KMC is not inconsistent with the said statutory scheme. On the contrary, the KMC has merely ensured that the complaint reaches the competent authority under the KPME Act so that the procedure prescribed by the statute can thereafter be followed.

8. Consequently, upon receipt of the reference, the District Registration and Grievance Redressal Authority under the KPMEA Act shall examine the complaint in accordance with law. If, upon such examination, it finds that the allegations involve medical negligence or non-adherence to standard treatment protocols, procedures, or prescription practices, it shall refer those aspects to the Karnataka Medical Council in terms of the proviso to Section 8(1) of the KPMEA Act. Thereafter, the Karnataka Medical Council shall proceed in accordance with its statutory jurisdiction in respect of the concerned medical practitioner, while the competent authority under the KPMEA Act shall independently deal with such issues as fall within its regulatory domain concerning the clinical establishment.



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9. In the above circumstances, this Court finds no illegality, procedural irregularity, or jurisdictional error in the impugned order passed by the Karnataka Medical Council. All contentions of the petitioners on the merits of the complaint are left open to be urged before the District Registration and Grievance Redressal Authority and, if the matter is subsequently referred, before the Karnataka Medical Council. Subject to the above observations, the writ petition stands ***dismissed***.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

GJM
List No.: 1 Sl No.: 7