



W.P(MD)No.21066 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.21066 of 2026

and

W.M.P.(MD).No.15642 of 2026

Mr.S.Gurushankar

... Petitioner

Vs

1.Tamil Nadu Medical Council,
represented by its Registrar,
959 and 960 Poonamallee High Road,
Purasaiwakkam,
Chennai-600 084.

2.Mr.P.D.Audikesavalu
represented by his Power Agent,
Kavitha Audikesavalu

3.Mrs.Kavitha Audikesavalu

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records on the file of the first respondent in respect of impugned summons dated 10.06.2026 in Ref.No.TNMC/T.No. 4961/2025 issued to the petitioner, quash the same.



W.P(MD)No.21066 of 2026

WEB COPY

For Petitioner : Mr.V.Ragavachary,
Senior Counsel
for Ms.R.Akila

For R-1 : Mr.V.Ramesh,
Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned summons dated 10.06.2026 in Ref.No.TNMC/T.No.4961/2025 issued by the first respondent.

2. Heard the learned Senior Counsel appearing for the petitioner and Mr. V. Ramesh, learned Standing Counsel, who takes notice on behalf of the first respondent.

3. Since no adverse order is going to be passed against respondent Nos.2 and 3, notice to them is dispensed with.

4. The learned Senior Counsel appearing for the petitioner submitted that the petitioner is a registered medical practitioner and the Chairman of the petitioner's Hospital, which is run by SR Trust. The petitioner was registered as a Medical Practitioner with the Tamil Nadu Medical Council on 10.08.2007. It is



W.P(MD)No.21066 of 2026

WEB COPY

submitted that the second respondent, who is a Hon'ble Judge of this Court, visited the petitioner's hospital on 22.06.2024 complaining of neck and jaw pain. After clinical examination, he was advised to undergo an MRI Scan for proper diagnosis. However, due to his other engagements, he did not undergo the MRI Scan. Subsequently, on 24.06.2024, the second respondent was again brought to the petitioner's hospital with symptoms suggestive of a stroke. The medical team immediately attended to him and attempted to obtain consent from his family members for further medical procedures through the Court staff and members of the judiciary. Since the required consent could not be obtained immediately, the proposed procedure could not be undertaken. It is further submitted that the wife of the second respondent reached Madurai on the evening of 24.06.2024 and, during the midnight of the same day, shifted him to Chennai for further treatment. Thereafter, the third respondent lodged a complaint before the Tamil Nadu Medical Council alleging medical negligence on the part of the petitioner's hospital. Pursuant to the said complaint, the first respondent issued the impugned summons dated 10.06.2026 requiring the petitioner to appear before it. The learned Senior Counsel further submitted that the petitioner was not the treating



W.P(MD)No.21066 of 2026

WEB COPY

doctor of the second respondent and has been arrayed in the proceedings only on the principle of vicarious liability as the Chairman of the hospital. The petitioner has no intention to evade the enquiry. However, owing to his prior professional commitments in New Zealand, he is unable to appear in person before the first respondent on the date specified in the summons. Therefore, a limited request is made seeking permission for the petitioner to be represented through his authorised representative or learned counsel before the first respondent.

5. The learned Standing Counsel appearing for the first respondent submitted that the first respondent has no serious objection if the petitioner is permitted to appear through an authorised representative or counsel, subject to such representative extending full cooperation to the enquiry.

6. This Court has carefully considered the submissions made on either side.

7. The impugned communication is only a summons calling upon the petitioner to participate in the enquiry. It is well settled that ordinarily summons



W.P(MD)No.21066 of 2026

WEB COPY

issued during the course of a statutory enquiry cannot be interfered with in exercise of the extraordinary jurisdiction under Article 226 of the Constitution of India, unless exceptional circumstances are made out. The petitioner is at liberty to raise all factual and legal objections, including the question of his liability and maintainability of the proceedings, before the first respondent.

8. In the present case, the petitioner has confined his prayer to a limited request that, in view of his professional commitments abroad, he may be permitted to participate in the proceedings through his authorised representative or learned counsel. Since the first respondent has expressed no serious objection to such a course, this Court is inclined to grant the said limited relief.

9. Accordingly, without expressing any opinion on the merits of the allegations made in the complaint or the maintainability of the proceedings initiated by the first respondent, the petitioner is permitted to appear before the first respondent through his duly authorised representative or learned counsel. The authorised representative or learned counsel shall extend full cooperation for



W.P(MD)No.21066 of 2026

WEB COPY

the conduct of the enquiry. It is open to the first respondent to require the personal appearance of the petitioner at any subsequent stage, if such appearance becomes necessary for the effective conduct of the enquiry, by issuing appropriate notice.

10. With the above observations and liberty, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

24.07.2026

NCC : Yes / No
Index : Yes / No
TSG

To
The Registrar,
Tamil Nadu Medical Council,
959 and 960 Poonamallee High Road,
Purasaiwakkam,
Chennai-600 084.



WEB COPY



W.P(MD)No.21066 of 2026

M.DHANDAPANI, J.

TSG

W.P(MD)No.21066 of 2026

24.07.2026