

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20920 of 2016

M.Ayyappan

... Petitioner

Vs.

- 1 Government of Tamil Nadu Rep by Secretary,
Health and Family Department, Chennai-6.
- 2 District Family Medical Officer,
Corporation of Chennai, Ripon Buildings,
Chennai- 600 003.
- 3 The Dean/ Chief Medical Officer,
Rajiv Gandhi General Hospital
Park Town, Chennai-600 003. Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to dispose of the representation dated 5.8.2015 and also consequently direct the third respondent to pay a sum of Rs.3,00,000/- as mental agony and medical expenses incurred by the petitioner due to third respondents negligent act.

For Petitioner : Mr.S.Santhanam

For Respondents : Mr.P.Sanjai Gandhi for R1, R3
Additional Government Pleader
Mr.P.V.Selvakumar for R2

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that he is eking out his livelihood as a Mason in daily wages and employed in construction business. The petitioner due to some ailments, got treatment from the third respondent hospital and also undergone surgery as per the advise, but he continued to have un-bearable pain in the pelvis area and he informed the same, to the Doctors

attached to the third respondent. He was informed that after surgery, the pain will be normal and it will get subsidised in a few days. However, the petitioner continued to suffer pain and therefore, he approached Sri Ramachandra Hospital, Porur for further medical treatment and it was found that some foreign body was found in the pelvis area, which caused the un-bearable pain to the petitioner and he was also advised to undergo surgery and accordingly, it was done and he was discharged from the hospital on 15.04.2015 for which, he has to spend a sum of Rs.60,000/-. The petitioner in this regard, has submitted a representation to the respondents on 05.08.2015 praying for compensation and also for appropriate action against the concerned Doctors who are negligent in performing their professional duty and though the said representation was received and acknowledged, no action whatsoever was taken and therefore, the petitioner is constrained to file this writ petition.

3.Heard the submissions of Mr.S.Santhanam, learned counsel appearing for the petitioner, Mr.P.Sanjai Gandhi, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 3 and Mr.P.V.Selvakumar, learned counsel who accepts notice on behalf of the second respondent.

4.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the respondents 1 to 3 to consider and dispose of the petitioner's representation dated 05.08.2015 on merits and in accordance with law, after putting on notice, concerned Doctor/s who performed surgery and pass orders, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5.The writ petition is disposed of accordingly. No costs.
pri

-s/d-
सहायक न्यायते
Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

- 1 Government of Tamil Nadu Rep by Secretary,
Health and Family Department, Chennai-6.
- 2 District Family Medical Officer,
Corporation of Chennai, Ripon Buildings,
Chennai- 600 003.

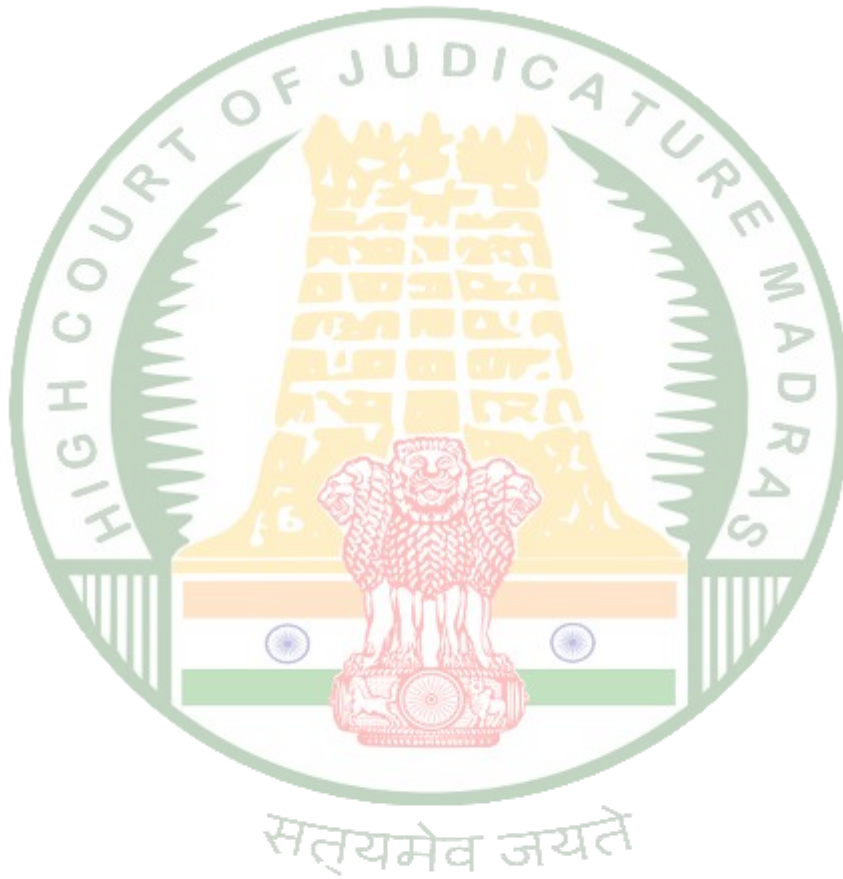
3 The Dean/ Chief Medical Officer,
Rajiv Gandhi General Hospital
Park Town, Chennai-600 003.

+ 1 cc to Govt.Pleader SR 34932

+ 1 cc to Mr.S.Santhanam, Advocate SR 34070

gj(co)
prk13/7

W.P.No.20920 of 2016



WEB COPY