



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2016

CORAM :

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Writ Petition (MD) No.17591 of 2013 and

M.P (MD) No.1 of 2013

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M. Anthony samy

... Petitioner

Vs.

1. The District Collector,
Tuticorin District,
Tuticorin.

2. The Deputy Director of Health Services,
Kovilpatti, Tuticorin District.

3. The Taluk Medical Officer,
Perilovanpatti Primary Health Centre,
Perilovanpatti Post,
Thoothukudi District.

... Respondents

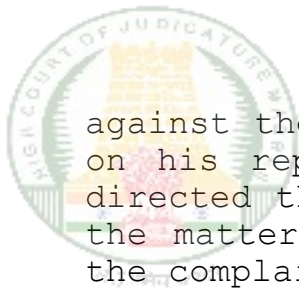
Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the communication by the second respondent vide O.Mu.No.1649/A5/2013, dated 13.6.2013 quash the same and consequently directing the respondents to initiate appropriate action against the doctor who was on duty in the Primary Health Centre at Vemparr on 6.4.2013 and provide adequate Compensation to the petitioner.

For Petitioner : Mr.C.T.Perumal

For Respondents : Mr.K.Mahesh Raja,
Government Advocate.**ORDER**

This writ petition has been filed challenging the proceedings of the second respondent dated 13.06.2013.

2. According to the petitioner, on 06.04.2013, he was suffering from high fever and therefore, he went to the Primary Health Centre at Vemparr Village, in Vilathikulam Taluk, Tuticorin District at about 11.00 a.m. At that time, except an Assistant who registering the name of the patients and Lab Technician, no Doctor and Nurses were present in the centre and the petitioner waited till 2.30 p.m. Thereafter, the petitioner was informed by the Assistant that on Saturdays and Sundays, the Doctor used to leave the Health Centre in the morning itself and the patients have to come only on Monday. Therefore, the petitioner was forced to get treatment in a private hospital incurring heavy expenses. In the above circumstances, he made a representation to the District Collector, Tuticorin District, on 15.04.2013 for taking necessary action



against the above Doctor and other officials in the hospital. Based on his representation, the District Collector, Tuticorin District directed the second respondent to conduct proper enquiry and report the matter to him. In the meantime, the petitioner has also sent the complaint to the Chief Minister's cell.

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3.It seems that in the meantime, the third respondent conducted enquiry and submitted a report to the second respondent and the matter is pending with the second respondent. Based on the communication sent by the Chief Minister's cell, the second respondent submitted a reply to the petitioner which is impugned in the writ petition.

4.The order impugned in this writ petition is not an order passed by the second respondent but it is only a reply submitted by the second respondent pursuant to the complaint given by the petitioner to the Chief Minister's cell. Therefore, the petitioner cannot treat it as an order and challenge the same. In the above circumstances, the second respondent is directed to pass orders based on the enquiry conducted by the third respondent within four weeks from the date of receipt of a copy of this order as the third respondent has already conducted enquiry and filed a report before the second respondent.

5.With the above direction, the writ petition is disposed of. No costs. Consequently, M.P(MD)No.1 of 2013 is closed.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tuticorin District,
Tuticorin.
2. The Deputy Director of Health Services,
Kovilpatti, Tuticorin District.
3. The Taluk Medical Officer,
Perilovanpatti Primary Health Centre,
Perilovanpatti Post,
Thoothukudi District.

+ 1 CC TO Mr.C.T.PERUMAL, ADVOCATE IN SR No. 51036/16
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 51649/16

SMS

TE/GSV-PM : 03/10/2016 : 2P/6C