

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2017

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.94 of 2016

R.Fathima

.. Petitioner

Vs.

- 1 The Chief Secretary ,
Government of India, New Delhi.
- 2 The Home Secretary,
Governemnt of India, New Delhi.
- 3 The Secretary,
Health and Family Welfare Department,
Government of India, New Delhi.
- 4 The Secretary,
Medical Council of India,
Pocket-14, Sector-8, Dwarka,
Phase-1, New Delhi.
- 5 The Chief Secretary,
Government of Tamilnadu,
Chennai-600 009.
- 6 The Home Secretary,
Government of Tamilnadu,
Chennai-600009.
- 7 The Secretary,
Health and Family Welfare Department ,
Government of Tamilnadu, Fort St George,
Chennai-600 009.
- 8 Tamilnadu Medical Council,
Rep by its President,
No.914, Poonamallee High Road,
Arumbakkam, Chennai-600 106.
- 9 The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai-600 007.

10 The Inspector of Police, (L & O)
R-7, KK Nagar Police Station,
KK Nagar, Chennai-600 078.

11 Dr. Ilangovan,
Sri Guru Ragavendra Hospital,
Ponnambalam Salai,
KK Nagar, Chennai.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the respondents to take appropriate criminal action against to the Mr. Dr. Ilangovan and also direct the 8th respondent to cancel the registration with them on my considered representation dated on 21.11.2015 through Email and in person.

For Petitioner : R. Fathima
Party in person

For Respondents: R1 to R7
(Deleted from Array of Respondents)
Mr. G. Sankar for R8
Mr. R. Govindasamy for R9 and R10
Special Government Pleader
Mr. P. Vijendran for R11

O R D E R

The petitioner appeared as party in person. She filed the present writ petition for seeking a direction to the respondent to take appropriate criminal action against the eleventh respondent and to cancel his registration by considering her representation/complaint dated 21.11.2015 made against the eighth respondent.

2. Considering the nature of the relief sought for in this writ petition, this court is of the view that the respondents 1 to 7 are not necessary parties to the present proceedings and therefore, they are deleted from the array of the parties.

3. Heard the learned counsel for the petitioner as party in person, learned counsel appearing for the Tamilnadu Medical Council, learned Special Government Pleader appearing for the other official respondents and the learned counsel for the eleventh respondent.

4. It is seen that the petitioner, who is said to have been treated by the eleventh respondent, has made a complaint on 21.11.2015 before the Tamilnadu Medical Council against the

eleventh respondent by making certain allegations in respect of the treatment given to her by the eleventh respondent at the relevant point of time. The grievance of the petitioner is that the said complaint given by the petitioner has not been taken into consideration by the eighth respondent so far, inspite of her repeated request. Therefore, she approached this court and filed the present writ petition.

5.Learned counsel appearing for the eleventh respondent submitted that the complaint filed by the petitioner against the eleventh respondent is frivolous one and no action need be taken against the eleventh respondent much less a criminal action as sought for by the petitioner.

6.This court at this stage, is not inclined to go into the rival contentions of the parties on the merits of the complaint made by the petitioner, as it is for the eighth respondent to consider and decide the same on merits, after conducting proper enquiry and also by giving due opportunity of hearing to the petitioner as well as eleventh respondent. Since the complaint was made as early as on 21.11.2015 and it is admitted that the said complaint is not considered so far, this writ petition is disposed of, only with a direction to the eighth respondent to enquire into the complaint made by the petitioner and pass appropriate orders on merits and in accordance with law, after giving due opportunity of hearing to the petitioner as well as the eleventh respondent. It is open to both the parties viz., the petitioner and the eleventh respondent to place relevant materials before the eighth respondent at the time of enquiry so as to enable the eighth respondent to arrive at a just and proper conclusion in accordance with law. Such exercise shall be done by the eighth respondent within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

vri

To

- 1 Tamilnadu Medical Council,
Rep by its President,
No.914, Poonamallee High Road,
Arumbakkam, Chennai-600 106.

WEB COPY

- 2 The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai-600 007.
- 3 The Inspector of Police, (L & O)
R-7, KK Nagar Police Station,
KK Nagar, Chennai-600 078.
- 4 The Chief Secretary,
Government of India,
New Delhi.
- 5 The Home Secretary,
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- 6 The Secretary,
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- 8 The Home Secretary,
Government of Tamilnadu,
Chennai-600009.
- 9 The Secretary,
Health and Family Welfare Department ,
Government of Tamilnadu, Fort St George,
Chennai-600 009.

- + 1 cc to M/s.V.P.Raman, Advocate, SR.83548
+ 1 cc to Mr.P.Vijendran, Advocate, SR.84273
+ 2 cc to R.Fathima, Advocate in sr.no.84027
+ 1 cc to The Govt.Pleader, SR.84385

W.P.No.94 of 2016

NR 24/11/2017