



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2017

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

W.P. (MD) No.1928 of 2017

S. Jayakodi

... Petitioner

-vs-

1. The Superintendent,
Central Prison,
Madurai.
2. The Dean,
Government Rajaji Hospital,
Madurai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the respondents herein to provide adequate treatment to the petitioner's son namely Kali @ Vellaikali, S/o. Shanmugavel, (R.P.No.8443) by considering petitioner's representation dated 19.01.2017 within the time limit stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Jegadeeshpandian
For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

ORDER

This writ petition has been filed, seeking a direction to the respondents herein to provide adequate treatment to the petitioner's son namely Kali @ Vellaikali, S/o. Shanmugavel, (R.P.No.8443) by considering petitioner's representation dated 19.01.2017 within a time frame.

2. Petitioner's son Kali @ Vellaikali is a remand prisoner in Madurai Central Prison and he suffered an ailment in his left knee, for which it is alleged by the petitioner that he was not given proper medical treatment. Therefore, she has filed the present writ petition.

3. The Superintendent of Prison, Madurai Central Prison has filed a counter affidavit dated 22.02.2017, wherein in paragraph Nos.3, 4, 6 and 7 it is stated as follows:

<https://hcservices.ecourts.gov.in/hcservices/>
"3. With reference to the averment contained in paragraph 3 of the affidavit, it is submitted Kalimuthu @ Kali @ Vellaikali s/o. Shanmugavel was taken admission at Government Rajaji Hospital, Madurai on 3.12.2016 since he was admitted in Government Rajaji Hospital, Madurai from 2.12.2016, and he was not brought to Prison step for



admission. Therefore, allegation of the petitioner that "Jail Officials refused to accept my son" is a wrong statement submitted by the petitioner to the Hon'ble Judicial Authorities. Further, it is submitted that a letter was received from H.O.D. Department of Orthopaedics and Traumatology of Government Rajaji Hospital, Madurai, stating that the Remand Prisoner No.8443 Kalimuthu @ Kali @ Vellaikali s/o. Shanmugavel was admitted at Government Rajaji Hospital, Madurai on 2.12.2016 for left knee broken, was under continuous treatment and it was decided to operate Left Leg Knee CERCLAGE WIRING/PATELECTOMY and requested permission to conduct operation. Accordingly Permission was given vide this officer letter No.R3/8443/2016 dated 12.12.2016 and total Patelectomy and Exterior mechanism repair done at Government Rajaji Hospital, Madurai and was under treatment and after then discharged on 29.12.2016 and was back to Prison. Again he was sent to Government Rajaji Hospital, Madurai, on 28.1.2017 for review and was advised supportive management. He is medically stable at present, with no complaints. Remarks regarding the discharge of the above Prisoner has to be offered by Government Rajaji Hospital, Madurai.

4)With reference to the averments contained in Paragraph 4 of the affidavit, it is submitted that total Patelectomy and Exterior mechanism repair done at Government Rajaji Hospital, Madurai and was discharged on 29.12.2016 and was back to Prison and he was under the direct supervision of Medical Officers of Prison Hospital and medical facilities was provided. It is once again retreated, that when the above prisoner was sent for review to Government Rajaji Hospital, Madurai on 28.1.2017, he was advised supportive management for his leg. While petitioner interviewed her son, he was with the help of walker Stick. But he is stable with no complaints at Present.

...

6.With reference to the averments made in Paragraph 6 of the affidavit, it is submitted that, whenever Prisoners are in need of further treatment and specialized treatment, they are sent to Government Rajaji Hospital, Madurai under police escort. In same way the above Prisoner was sent to Government Rajaji Hospital, Madurai on 28.1.2017 for review after total recovery of leg and the Prisoner at present is stable. In future, if any advanced treatment is required prisoner will be sent to Government Rajaji Hospital, Madurai.

7.With regard to paragraph 7 and 8 of the affidavit, it is submitted that, regarding the averments made in these paras, it has already been discussed in detail in Para 5 of this counter affidavit. It is submitted that the above Prisoner is provided with adequate medical facilities in Government Rajaji Hospital, Madurai, which has advanced multi specialities. And medical facilities are also provided in Prison Hospital. And at present Remand Prisoner No.8443 Kalimuthu @ Kali @ Vellaikali S/o. Shanmugavel is



stable in health and at present he is not in need of any medical facilities. Whenever he requires treatment, proper and full Medical facilities will be provided."

4. In view of the above, no further order is necessary, except to state as and when medical requirement demands, the petitioner's son Kali @ Vellaikali shall be taken to the Government Hospital for treatment. Accordingly, this Writ Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-III)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Superintendent,
Central Prison,
Madurai.

2. The Dean,
Government Rajaji Hospital,
Madurai.

+1 cc to M/R.M.JEGADEESH PANDIAN, Advocate, SR.NO:13254

+1 cc to SPECIAL GOVERNMENT PLEADER, SR.NO:13158

SJ

SVA/SV/MMS/15.03.2017/3P/5C

W.P. (MD) No.1928 of 2017
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