

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated: 30.01.2017****Coram****WEB COPY****THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU****Writ Petition (MD)No.880 of 2017**

P.Kathirvel

... Petitioner

Vs.

1. The Secretary to the Government,
Health and Family Welfare Department,
Fort St. George,
Chennai.

2. The Dean,
Government Medical College Hospital,
Theni,
Theni District.

... Respondents

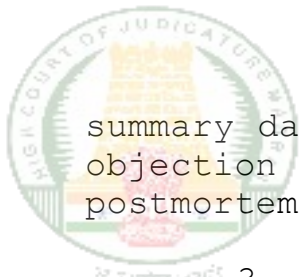
Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to pay the compensation for the suspicious death of petitioner's wife namely Deepa in I.P.No.3959 of the office of the 2nd respondent by conducting the enquiry about her suspicious death caused due to the negligence of the employees from the 2nd respondent's office on considering the petitioner's representation, dated 30.11.2016.

For petitioner	: Mr.R.Shankar Ganesh
For Respondents	: Mr.T.S.Mohamed Mohideen Additional Government Pleader

O R D E R

The petitioner seeks for compensation alleging that the death of his wife viz., Deepa was a suspicious one at the Government Medical College Hospital, Theni. Therefore, the petitioner made a representation on 30.11.2016, for conducting the enquiry and to pay compensation.

2. The learned Special Government Pleader based on instruction submitted that the entire medical records would show that the death of the petitioner's wife was not a suspicious one and on the other hand, the death summary would reveal the reasons causing such death. He has also produced the copy of the death



summary dated 29.01.2016, medical summary dated 22.01.2017 and the objection given by the petitioner dated 29.01.2016 opposing the postmortem.

3. Upon considering the above stated facts and circumstances, this Court is of the view that the petitioner has to resort to the remedies available under the civil law by subjecting himself to the jurisdiction of the Civil Court for redressal of his grievance.

4. Needless to say that the disputed question of fact cannot be gone into for deciding the rights and liabilities of the parties, while exercising jurisdiction under Article 226 of the Constitution of India. Therefore, this writ petition is disposed of without expressing any view on the claim made by the respective parties, only with liberty to the petitioner to resort to the remedy available under the civil law. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to the Government,
Health and family Welfare Department,
Fort St. George,
Chennai.
2. The Dean,
Government Medical College Hospital,
Theni,
Theni District

+1 cc to Special Government Pleader SR.No.5005

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SMA/RSK/17.02.2017:2P/4C_