IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.01.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.1317 of 2019

D.Murali Devy .. Petitioner

Vs.

1. The Secretary to Government,
   Health Department,
   Government of Puducherry,
   Puducherry.

2. The Secretary to Government,
   Revenue Department,
   Government of Puducherry,
   Puducherry.

3. Dr.K.Vinayagam, M.B.B.S.,
   Proprietor,
   S.S.Remedy Hospital,
   Multi Speciality Hospital,
   No.491, Kamaraj Salai,
   Puducherry - 605 013. .. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to dispose of the representation made by the petitioner dated 27.12.2018 with regard to issue compensation of Rs.20,00,000/- (Rupees Twenty lakhs only) for Medical Negligence, Deficiency of service and Mental agony caused by the third respondent.

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For Petitioner : Mr.R.Chandrasekaran
For RR1 & 2 : Mr.D.Ravichander
Additional Government Pleader (Pondy)

O R D E R

By consent of both parties, this Writ petition is taken up for final disposal at the admission stage itself.

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2. The petitioner has filed this Writ Petition seeking a direction to the respondents 1 and 2 to dispose of the representation made by the petitioner dated 27.12.2018 to issue compensation of Rs.20,00,000/- (Rupees Twenty lakhs only) for Medical Negligence, Deficiency of service and Mental agony caused by the third respondent.

3. Heard the learned counsel appearing on both sides.

4. The third respondent is a Doctor and Proprietor of a Private Multi Speciality Hospital. The petitioner is claiming compensation of Rs.20,00,000/- (Rupees Twenty lakhs only) against the said hospital for giving wrong treatment and wrong surgery. In this regard, a representation was sent on 27.12.2018 to the third respondent, which is now sought to be disposed of. When the representation is given against a private individual, the writ petition cannot be maintained and hence, mandamus cannot be issued against the third respondent.

5. With the above observations, the writ petition is dismissed as not maintainable. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
   Health Department,
   Government of Puducherry,
   Puducherry.

2. The Secretary to Government,
   Revenue Department,
   Government of Puducherry,
   Puducherry.

+1 cc to Mr.R.Chandrasekaran, Advocate, S.R.No.4675

+1 cc to the Government Pleader(Pondicherry), S.R.No.4835

W.P.No.1317 of 2019

SSM(12/02/2019)

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