

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 29637 of 2019
and
W.M.P. No. 29537 of 2019

M.V. Amudha

... Petitioner

-vs-

1. The Registrar,
Tamil Nadu Medical Council,
No. 914, Poonamallee High Road,
Arumbakkam, Chennai, Tamil Nadu.
2. The Medical Council of India,
Board of Governors in Supersession of Medical Council
of India,
Pocket-14, Sector - 8, Dwarka Phase -1,
New Delhi - 110 077.
3. The Vijaya Hospitals,
No. 434, PT Rajan Road,
Vadapalani,
Chennai - 600 026.
4. Dr. Akkarapaka Kowshik
5. The District Social Welfare Officer,
No. 1, Panagal Maaligai Building 2nd Floor,
Near Kalaigai Arch,
Jeenis Road,
Saidapet,
Chennai - 600 015,
Tamil Nadu.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First Respondent herein to investigate and dispose off the complaint dated 20.09.2018 given by the Petitioner's father on behalf of the Petitioner against the Fourth Respondent herein, in accordance with the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 and principles of natural justice.

For Petitioner : M/s. Deepika Murali

For Respondents : Mr. G. Sankaran,
Standing Counsel (for R1)

Mr. V.P. Raman (for R2)

Mr. P. Rajkumar Pandian (for R3)

Mr. D. Vijay (for R4)

Mr. R. Venkatesh,
Government Advocate (for R5)

O R D E R

Heard M/s. Deepika Murali, Learned Counsel for the Petitioner, Mr. G. Sankaran, Learned Standing Counsel appearing for the First Respondent, Mr. V.P. Raman, Learned Counsel for the Second Respondent, Mr. P. Rajkumar Pandian, Learned counsel for the Third Respondent, Mr. D. Vijay, Learned Counsel for the Fourth Respondent and Mr. R. Venkatesh, Learned Government Advocate appearing for the Fifth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for a direction to the First Respondent to investigate and dispose the complaint dated 20.09.2018 given by the father of the Petitioner on behalf of the Petitioner against the Fourth Respondent, in accordance with the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, and principles of natural justice.

3. Learned Standing Counsel appearing for the First Respondent submits that after receipt of the complaint from the father of the Petitioner against the Fourth Respondent, proceedings have been commenced and enquired by the Disciplinary Committee of the Council on 31.10.2019 and the Fourth Respondent appeared before the Council and the decision taken by the Disciplinary Committee would be placed before the Council for confirmation and final orders would be passed after getting confirmation of the Council and it is expected that it would take three months to complete the entire process. The aforesaid submissions made are placed on record.

4. It is made clear that while taking any action in the matter, it shall be ensured that the relevant statutory

provisions governing the same are duly followed in consonance with the principles of natural justice. After affording full opportunity of hearing to all parties concerned, the competent authority shall consider each of the contentions raised by the parties and pass reasoned orders on merits in accordance with law, and shall communicate the decision taken to them under written acknowledgment and a report of the compliance in this regard is filed before the Registrar (Judicial) of this Court by 28.02.2020. It is needless to add here that depending upon the outcome, if any of the parties still has any grievance to be redressed in the matter, it is open to them to work out their remedy for necessary relief before the competent forum in the manner recognized by law.

5. The Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

vjt

To

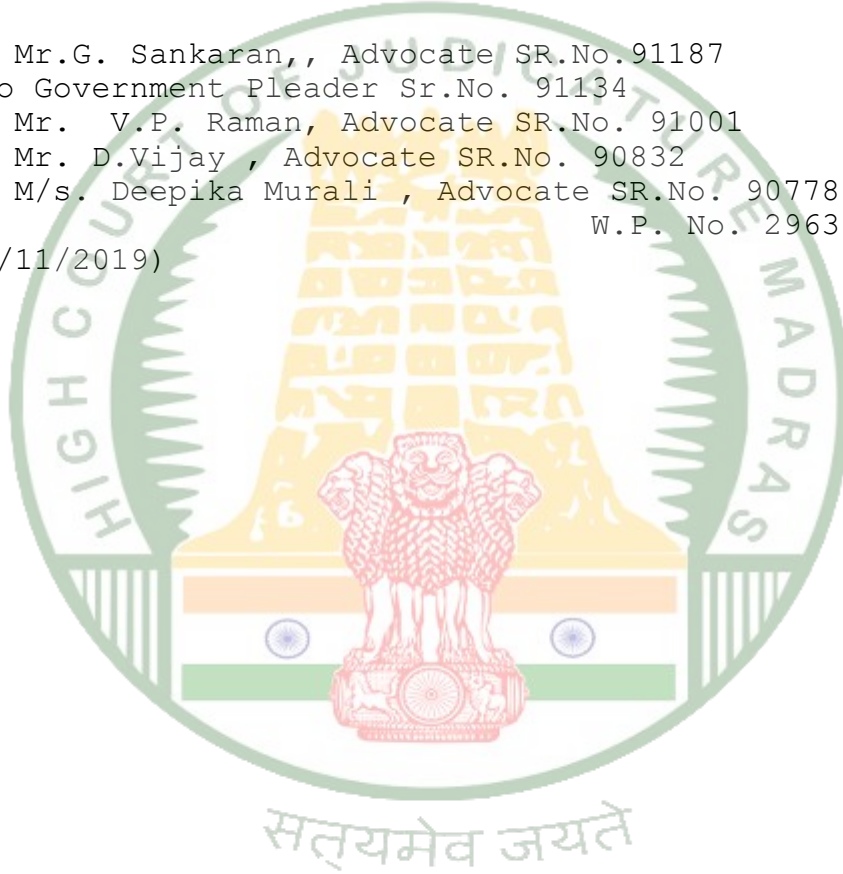
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Tamil Nadu.

Copy to
The Registrar (Judicial)
High Court, Madras.

+1cc to Mr.G. Sankaran,, Advocate SR.No.91187
+1 cc to Government Pleader Sr.No. 91134
+1cc to Mr. V.P. Raman, Advocate SR.No. 91001
+1cc to Mr. D.Vijay , Advocate SR.No. 90832
+1cc to M/s. Deepika Murali , Advocate SR.No. 90778
W.P. No. 29637 of 2019

A.SK(18/11/2019)



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