



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2019**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

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W.P.(MD)No.17118 of 2019

Senthil Kumar

...Petitioner

-Vs-

1.The State of Tamil Nadu,
Health Department,
Fort St.George,
Chennai.

2.The Secretary to the Government,
Government Home Department,
Fort St.George,
Chennai-9.

3.The District Collector,
Madurai District.

4.The District Collector,
Virudhunagar District.

5.The Dean,
Government Rajaji Hospital,
Madurai.

6.The Government Hospital,
Srivilliputhur.

7.The Dean,
Velammal Hospital,
Madurai.

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...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 4 to give compensation to the petitioner for the wrong medical advice given by the Doctors under the administration of respondents 5, 6 and 7 herein.

For Petitioner : Mr.Senthil Kumar, party-in-person
For Respondents : Mr.Bhagawathi
Government Advocate



ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the respondents 1 to 4 to give compensation to the petitioner for the wrong medical advice given by the Doctors under the administration of respondents 5, 6 and 7 herein.

WEB COPY

2.Heard the petitioner, who appeared as party-in-person and Mr.Bhagawathi, learned Government Advocate appearing for the respondents.

3.With the consent of both sides, this writ petition is being disposed of at the admissions stage itself.

4.On perusal of the averments made in the affidavit, this Court finds that, the petitioner has suffered with some health issues and therefore, he had consulted the Doctors at Government Rajaji Hospital, Madurai, Government Hospital at Srivilliputhur and Velammal Hospital, Madurai and based on the medical advice, he seems to have taken some treatment. However, the medical issues are yet to be resolved and he feels that his medical issues has got aggravated. Therefore, he filed this writ petition seeking compensation on the pretext that only based on the alleged wrong advice given by the respective doctors and the respondents/Government Hospital, he had to take wrong treatment.

5.The aforesaid issues cannot be decided in this writ petition under Article 226 of the Constitution of India, but at the same time, in order to give proper treatment to the petitioner for his health issues, this Court is inclined to dispose of this writ petition, with the consent of the learned Government Advocate appearing for the respondents, with the following direction:-

"that the petitioner can approach the fifth respondent and on such approach, the fifth respondent can refer the petitioner to a medical team pertaining to his health issue and after examining the petitioner, the medial team can advice the suitable treatment to be taken and accordingly, treatment can be given to him."

6.With the above directions, this Writ Petition is dispose of accordingly. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar (CS)



To

- 1.The Health Department,
State of Tamil Nadu,
Fort St.George,
Chennai.
- 2.The Secretary to the Government,
Government Home Department,
Fort St.George,
Chennai-9.
- 3.The District Collector,
Madurai District.
- 4.The District Collector,
Virudhunagar District.
- 5.The Dean,
Government Rajaji Hospital,
Madurai.
- 6.The Government Hospital,
Srivilliputhur.

+1 CC to M/s.SPL GP (SR-79697[F] dated 05/08/2019)

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KM/ (26.11.2019) 3P 8C