



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 8036 of 2020

K.M.Hamsavardhani

... Petitioner

Vs.

1.The Chairman

Tamil Nadu Medical Council
No.916, Poothamalli High Road
Amaravathi Nagar Arumbakkam
Chennai 600 106

2.The Director

Medical & Rural Health Service
No.258, DMS Complex
3rd Floor, Annasalai
Thenampettai
Chennai 600 018

3.The Joint Director

Medical & Rural Health Services
No.258, DMS Complex
3rd Floor, Annasalai
Thenampettai
Chennai 600 018

4.The District Collector

Pudukottai District
Pudukkottai

5.Rajeswari Hospital

Door No.70
Bazar Street
Ranipet 632 401

6.Dr.Rajeswari Palanichamy

Door No.70
Bazar Street
Ranipet 632 401

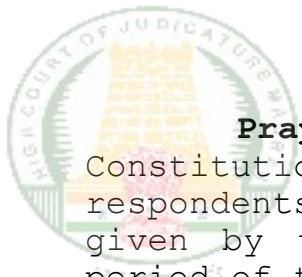
7.Dr.Deepak

Door No.70
Bazar Street
Ranipet 632 401

8.Meenakshi Mission Hospital & Research Centre

Lake Area, Melur Road
Madurai 625 107

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to take up the representation dated 13.06.2020 given by the petitioner and conduct enquiry within a stipulated period of time and punish the respondents 5 to 7.

For Petitioner : Ms.R.Yamuna

For Respondent : Mr.M.Rajaram,

for R1 to R4 Government Advocate

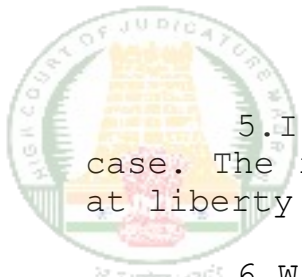
O R D E R

Heard the learned counsel appearing for the writ petitioner.

2.The petitioner states that she got married on 10.02.2019 and that she became pregnant. The petitioner further states that she consulted the sixth respondent herein who referred the petitioner to the scan centre run by the seventh respondent. The seventh respondent is said to be the son of the sixth respondent. The petitioner had taken such a consultation when she was in Ranipet along with her husband. The petitioner thereafter returned to her native district. When the petitioner consulted another Doctor at Karaikudi, second scan was taken and the petitioner was advised that the heart of the child growing inside her was in a wrong position. The petitioner later got herself admitted in Meenakshi Mission Hospital at Madurai and delivered the child. The child died a few days later.

3.The specific allegation of the petitioner is that the respondents 6 and 7 did not advise her in time. The petitioner's counsel drew my attention to the scan report enclosed at page No.5 and again at page No.7 of the typed set of papers. She pointed out that the scan taken by the seventh respondent appeared to be obviously erroneous. Alleging that the respondents 6 and 7 are guilty of misconduct in discharge of their professional duties, the petitioner had filed a representation dated 13.06.2020 before the first respondent council.

4.The petitioner had filed this writ petition seeking a direction to the first respondent for speedy disposal of her representation. I am not in a position to appreciate the undue haste exhibited by the petitioner herein. The cause of action had arisen only on 23.05.2020. The petitioner had given a representation on 13.06.2020. This writ petition has been filed in less than 40 days thereafter. This Court had consistently discouraged such a practice of rushing to the writ Court seeking a disposal of the representation. We are now in pandemic times and therefore, to expect the medical council to look into the case of this nature in less than 40 days is asking for too much. The petitioner ought to have waited for a reasonable period of time before knocking the doors of this Court. Therefore, this writ petition is dismissed *in limine* at the admission stage itself without issuing notice to any of the respondents.



5.I make it clear that I have not gone into the merits of the case. The rights of the petitioner are left open. The petitioner is at liberty to move this Court if need arises.

6.With the above observation and liberty to the petitioner, this writ petition is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Msa

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

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Pudukottai District, Pudukkottai

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