



WEB COPY

W.P(MD).No.13788 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD) .No.13788 of 2020

and W.M.P. (MD) .Nos.11437 and 13345 of 2020

K.Amirthalal

.. Petitioner

Vs.

1. The Director of Public Health and Preventive Medicine,
64/75, Main Road, Chockalingam Nagar,
Teynampet, Chennai - 600 086.

2. The Director of Medical and Rural Health Services,
DMS Complex, No.356, Anna Salai, Chennai - 600 006.

3. The Director Collector,
Tenkasi District, Tenkasi.

4. The Deputy Director of Health Service,
Tenkasi District, Collectorate Campus,
Tenkasi.

5.Dr.I.Mohamed Ibrahim

6.Dr.V.Pandidurai

7.Mr.T.Velu

8.Mr.B.Karthik

9.Mr.P.Kuthalingam

10.Mr.P.Karuppasamy

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to take disciplinary action against respondents 5 to 10 for the atrocities committed by them in 'Surya Nursing Home' and 'AMK Medical Shop' situated at Thirumalaikovil Road, Panpoli Town, Tenkasi District and to refund the fine amount of Rs.5,000/- imposed vide Receipt No.S.No.TNK/2020/10080 dated 22.09.2020 based on the petitioner's representations dated 07.09.2020 and 25.09.2020 within the time limit that may be stipulated by this Court.



For Petitioner : Mr.G.Thalaimutharasu
For Respondents : Mr.C.Ramesh for R1 to R4
Special Government Pleader

ORDER

(This Matter was heard through the Video Conference)

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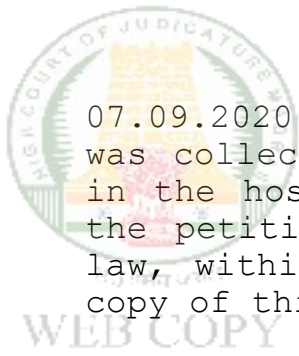
This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 4 to take disciplinary action against respondents 5 to 10 for the atrocities committed by them in 'Surya Nursing Home' and 'AMK Medical Shop' situated at Thirumalaikovil Road, Panpoli Town, Tenkasi District and to refund the fine amount of Rs.5,000/- imposed vide Receipt No.S.No.TNK/2020/10080 dated 22.09.2020 based on the petitioner's representations dated 07.09.2020 and 25.09.2020 within the time limit that may be stipulated by this Court.

2.Heard Mr.G.Thalaimutharasu, learned counsel for the petitioner and Mr.C.Ramesh, learned Special Government Pleader for the respondents 1 to 4.

3.It is the case of the petitioner that arbitrarily and illegally, the fifth respondent has collected fine of Rs.5,000/- (Rupees five thousand only) from the petitioner on 24.08.2020 on account of the alleged unhygienic conditions and for not following COVID - 19 guidelines in their hospital namely Surya Nursing Home. This Court by its earlier order dated 06.10.2020, permitted the petitioner to break open the premises of the petitioner's Nursing Home namely Surya Nursing Home situated at Thirumalaikovil Road, Panpoli Town, Tenkasi District, which was earlier sealed by the respondents on account of the alleged unhygienic conditions in the said nursing home. The learned counsel for the petitioner has confirmed that the petitioner has taken possession of his nursing home, pursuant to the order dated 06.10.2020, passed by this Court. However, he submits that unless and until the fine amount of Rs.5,000/- is refunded to the petitioner, the petitioner may not be in a position to withdraw this writ petition.

4.No useful purpose will be served if this writ petition is kept pending, instead, a direction can be issued to the respondents to consider the petitioner's representations dated 07.09.2020 and 25.09.2020 seeking for refund of the fine amount of Rs.5,000/-, which according to the petitioner was illegally collected from him by the fifth respondent. No prejudice will be caused to the respondents, if the representations of the petitioner dated 07.09.2020 and 25.09.2020, are considered by them on merits and in accordance with law.

5.For the foregoing reasons, this court directs the first respondent to consider the petitioner's representations dated



07.09.2020 and 25.09.2020, seeking for refund of Rs.5,000/-, which was collected by way of fine for the alleged unhygienic conditions in the hospital Surya Nursing Home and AMK Medical Shop, owned by the petitioner and pass final orders on merits in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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

1. The Director of Public Health and Preventive Medicine,
64/75, Main Road, Chockalingam Nagar,
Teynampet, Chennai - 600 086.
2. The Director of Medical and Rural Health Services,
DMS Complex, No.356, Anna Salai, Chennai - 600 006.
3. The Director Collector,
Tenkasi District, Tenkasi.
4. The Deputy Director of Health Service,
Tenkasi District, Collectorate Campus,
Tenkasi.

+1 CC to Mr.G.THALAI MUTHARASU, Advocate SR-24346.

+1 CC to the SPL GP (SR-24657[F] dated 09/12/2020)

W.P (MD) .No.13788 of 2020
08.12.2020

MJ(CO)

CS(18.12.2020) 3P 7C