



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.24377 of 2019

and

W.M.P. (MD)No.21007 of 2019

Shakilal Banu

... Petitioner

Vs.

1. The Registrar,
Tamil Nadu Medical Council,
No.914, Poonthamalle Highway,
Arumbakkam, Chennai - 600 106.

2. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

3. M/s.Aarthi Hospital,
rep. by its Managing Director,
Dr.R.Gomathi,

4.Dr.E.Ramesh

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to conclude the enquiry based on the complaint dated 06.10.2017 against the respondents 3 and 4 within a time stipulated by this Court and consequently, directing the respondents 3 and 4 to pay sum of Rs.50 lakhs towards compensation to the petitioner's husband for the wrong surgery conducted on 15.09.2017.

For Petitioner : Mr.V.Sasikumar

For R1 : Mr.C.Karthik

For R2 : Mr.P.Mahendran, AGP

For R3 : Mr.M.Muthugeethayan

For R4 : Mr.Mayilvahana Rajendran



O R D E R

Heard the learned counsel on either side.

2. The writ petitioner's husband was wrongly diagnosed by the fourth respondent and surgery was performed on him. Therefore, a complaint was lodged against the third and fourth respondents before the Superintendent of Police and a copy was also marked to the Tamil Nadu Medical Council.

3. This Writ Petition has been filed for directing the first respondent to conclude the enquiry initiated on that complaint and compensation to the tune of Rs.50 lakhs has also been sought.

4. When the matter was taken up for hearing, the learned Standing Counsel for Medical Council informed the Court that the complaint given by the petitioner was acted upon and the fourth respondent was also suspended from practice for a period of one year. Therefore, the first portion of the prayer may not survive.

5. The petitioner's counsel complains that a copy of the report and the action taken by the Council has not been made available to the petitioner.

6. I, therefore, direct the first respondent to furnish the relevant materials, report and the proceedings taken against the fourth respondent without delay and immediately. Since this is a Writ Petition, the question of directing the private parties to pay compensation to the petitioner may not really arise. The petitioner will have to necessarily establish her case before the jurisdictional consumer forum/Commission. Therefore, giving liberty to the writ petitioner to move the jurisdictional forum/Commission, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

das

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 Registrar,
Tamil Nadu Medical Council,
No.914, Poonthamalle Highway,
Arumbakkam, Chennai - 600 106.

2. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

+1 CC to M/s.AAV PARTNERS, Advocate SR-16588.

+1 CC to the Spl GP SR-16653.

+1 CC to Mr.V.SASIKUMAR, Advocate SR-16728.

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