

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2021

C O R A M
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE
W.P.No.16077 of 2020

Shenbagam

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Petitioner

Vs.

- 1.The Secretary to Government,
Health & Family Welfare Department,
Chennai.
- 2.The Deen,
Medical Board under the Medical Health Care Act, 2017,
Coimbatore Medical college,
Coimbatore.
- 3.K.Govindasamy Naidu Medical Trust,
K.G. Hospital,
No.5, Government Arts College Road,
Coimbatore - 641 018. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to consider and dispose of the petitioner representation dated 29.07.2020 and to appoint the petitioner as nominee for the petitioner's husband namely K.V.Palanisamy in view of the section 14 (1)& (2) of the Mental health Care Act, 2017.

For Petitioner :Mr.Manoj Kumar,
for Mr.M.Balaji

For Respondents 1 & 2 :Mr.V.Shanmuga Sundar
Special Government Pleader

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O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the respondents to consider and dispose of the petitioner's representation dated 29.07.2020 seeking to appoint her as a nominee for her husband K.V.Palanisamy who is now in the state of Coma in respect of his assets within a time frame to be fixed by this Court.

2. The petitioner claims that her husband K.V.Palanisamy as a result of a road accident sustained several head injuries on 15.12.2019 and is presently in the state of Coma. According to her, K.V.Palanisamy's monthly medical expenditure is around Rs.10,00,000/-. According to the petitioner, eventhough the petitioner's husband has got assets and monies lying in various bank accounts, the petitioner is unable to utilize the same for the purpose of paying for the medical expenses incurred by him due to his present medical condition. The petitioner has given a representation on 29.07.2020 to the second respondent seeking to appoint her as a nominee for K.V.Palanisamy, her husband who is presently in the state of Coma under the Medical Health Care Act, 2017. Since the representation has not been considered, the petitioner has approached this Court under Article 226 of the Constitution of India.

3. Heard Mr.Manoj Kumar, learned counsel representing, Mr.M.Balaji, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents 1 & 2.

4. The petitioner has pleaded urgency in the affidavit on the ground that she is unable to mobilise funds for the purpose of giving medical treatment to her husband K.V.Palanisamy who is presently in the state of Coma. The representation of the petitioner has to be necessarily acted upon expeditiously in view of the medical condition of her husband K.V.Palanisamy who is in the state of Coma where the medical cost to be incurred will be exorbitant. The present medical condition of K.V.Palanisamy is supported by (a) scan report dated 19.12.2019, (b) copy of discharge summary dated 24.01.2020 and (c) Doctor's report.

5. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 29.07.2020 seeking for appointing her as a nominee for her husband K.V.Palanisamy under the provisions of section 14(1) & (2) of the Medical Health Care Act, 2017 and pass final orders on merits and in accordance with law within a period of two days from the date of receipt of a copy of this order.

6. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

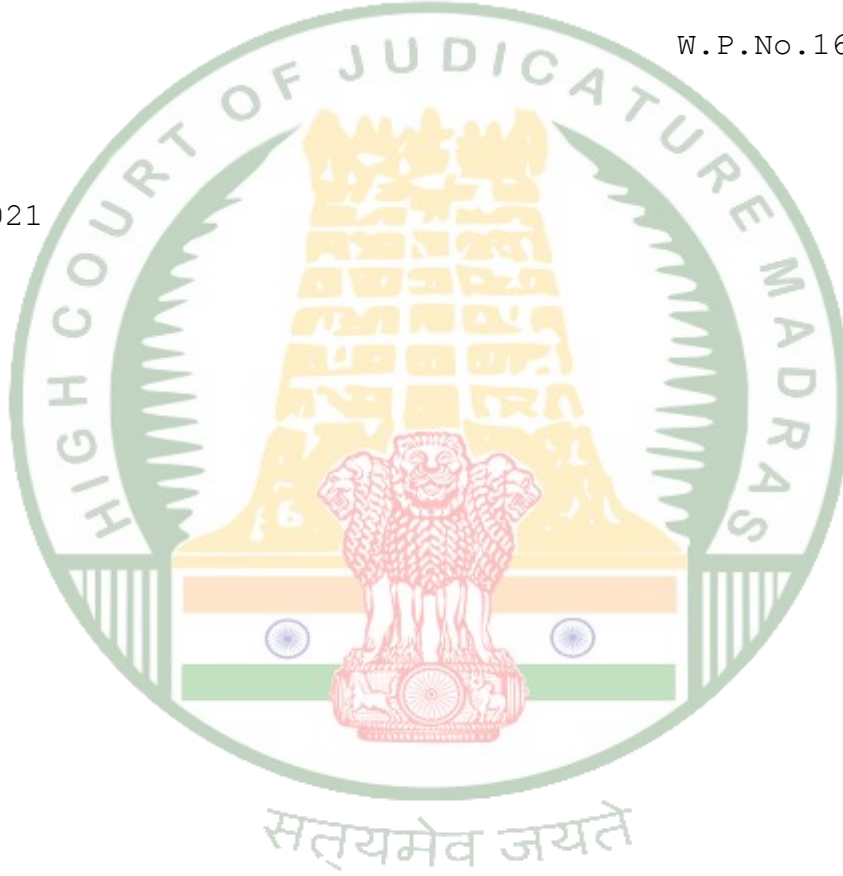
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+1 cc to Mr.M.Balaji Advocate sr8773

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