



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.12.2021
CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No. 26038 of 2021
and
W.M.P.no.27481 of 2021

Mr. Embar Srinivasan Ravi

... Petitioner

/Vs/

1. Tamil Nadu Medical Council,
Rep by its Registrar,
New.No.914, Old No.569,
Poonamallee High Road,
Arumbakkam,
Chennai-600 106.
2. National Medical Commission,
Board of Governors in Supersession of Medical Council of
India,
Pocket-14, Sector-8, Dwarka Phase-1,
New Delhi-110 077.
3. Dr. B.Balasubramaniam (Nephrologist),
4. Dr.K.P.Suresh Kumar (Cardiologist),
5. Dr. Avijit Basu (General Surgeon),
6. Dr. Gupta,
Respondents 3 to 6 having office at
Kauvery Hospital,
81, TTK Road Junction,
CIT Colony, Alwarpet,
Chennai-600018.
7. Dr. Balakrishna,
8. Dr. Suresh Rao,
9. Dr. Ramasubramanian,
10. Dr. Ravikumar
Respondents 10-13 having office at
Fortis Malar Hospital,
No.52, 1st Main Road, Gandhi Nagar,
Adyar, Chennai, Tamil Nadu 600020.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying Writ of Mandamus, directing the 1st Respondent to investigate and dispose off the complaint dated 07.11.2019 given by the petitioner against the doctors of private hospital, in accordance with the direction passed by the 2nd Respondent, MCI vide 211(2) (Gen.)/2019-Ethics/109586 dated 18.07.2020 and under the law laid down in Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 and principles of natural justice.



For Petitioner : Mr. K.M. Mrithunjayan
For Respondents: No appearance.

ORDER

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The present petitioner has been filed seeking issuance of Writ of Mandamus directing the 1st Respondent to take action on the petitioner's complaint dated 07.11.2019 and dispose of the same.

2. Since no adverse orders are being passed against respondents 3 to 10, notice to the respondents 3 to 10 is dispensed with.

3. The case of the petitioner is that his father namely Embar Rangaswamy Srinivasan, was under constant medication of the drug namely Nefrosave prescribed by Doctors in the United States of America which medicine is used for treating chronic kidney disease. Subsequently, after being shifted to Chennai in June 2014, the petitioner's father had approached Kauvery Hospital for regular checkups and he was advised to undergo peritoneal dialysis by the doctors in the Kauvery hospital and subsequent to that, he developed a cardiac arrest and was shifted to ICU for further treatment wherein he underwent CABG(Coronary artery bypass grafting). Consequent to Post CABG, the petitioner's father expired on 02.06.2016 following multiple organ failure. Aggrieved by the same, the petitioner made a complaint to the 1st Respondent on 16.04.2021 with regard to the issue and due to inaction on the part of the 1st Respondent herein, the petitioner made a complaint to the 2nd Respondent/National Medical Commission on 07.11.2019 for which a direction was given to the 1st Respondent for necessary action 18.07.2020. However, till date no action has been taken pursuant to the order passed by the 1st respondent. Hence the present Writ Petition is filed seeking the above relief.

4. Though very many grounds have been raised, the learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 1st respondent to take appropriate action on the petitioner's complaint dated 07.11.2019 in the light of the order passed by the 2nd respondent herein on 18.07.2020 within a particular time frame fixed by this Court.

5. Heard the learned counsel on the either side and perused the materials available on record.

6. In view of the submission made by the learned counsel for the petitioner and in view of the materials available on record, this Court without going into the merits of the case, issues direction to the 1st Respondent herein to take appropriate action on the petitioner's complaint dated 07.11.2019 pursuant to the direction given by the 2nd respondent herein on 18.07.2020 within a period of twenty four weeks from the dated receipt of a copy of this order.



7. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Registrar,
Tamil Nadu Medical Council,
New.No.914, Old No.569,
Poonamallee High Road,
Arumbakkam,
Chennai-600 106.

2. National Medical Commission,
Board of Governors in Supersession of Medical Council of
India, Pocket-14, Sector-8, Dwarka Phase-1,
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RSI (CO)
A.SK(28.01.2022)