



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.10.2021

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 6201 of 2017

K. Selvakumar

.. Petitioner

Versus

1. The Medical Council of Tamilnadu
No.914, Poonamallee High Road
Arumbakkam, Chennai - 106

2. The District Collector
Villupuram District

3. Dr. Jeyamurugan,
Kamalam Hospital,
No.256, Krishna Complex,
Salem.

.. Respondents

Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 30.07.2016 and consequently direct the respondents 1 and 2 to take necessary action on the third respondent.

For Petitioner : Mr. N. Subramani

For Respondents : Mr. G. Sankaran for R1

Mr. G. Krishnaraja,
Government Counsel for R2

Mr. G. Krishnakumar for R3

O R D E R

The petitioner has filed this writ petition praying to issue a Writ of Mandamus directing the respondents to consider his representation dated 30.07.2016 and consequently direct the respondents 1 and 2 to take necessary action on the third respondent.

2. According to the petitioner, he underwent operation for kidney stone removal in the third respondent hospital. Even at the time of his admission, the petitioner was directed to pay a sum of Rs.33,000/- as advance for his treatment and he also paid the said amount to third respondent towards advance through the Tamil Nadu Government Chief Minister Health Insurance Card. It is stated that during surgery, the Doctors attached to the third respondent wrongly cut his blood vein



which resulted in continued oozing of blood. Due to heavy blood loss, the petitioner became weak and fragile. At this stage, the petitioner was referred to Coimbatore Medical Center for further treatment by the third respondent. It is stated that for the treatment he had taken in Coimbatore Medical Centre, he spent more than Rs.6 lakhs and another Rs.1,00,000/- in Dr. Palanivel Hospital, Kallakurichi. That apart, the petitioner also spent Rs.50,000/- towards travelling expenses. Such expenses, according to the petitioner, has been incurred by obtaining loan from the 3rd parties for interest.

3. It is the grievance of the petitioner that due to negligent surgery done by the Doctors attached to the hospital of the third respondent, he suffered great health problem and also economical problem. Therefore, he made representation to the respondents 1 and 2 on 30.07.2016 to take necessary action against the third respondent for the medical negligence and the consequent loss suffered by the petitioner, both physical, mental and emotional. However, the representation dated 30.07.2016 has not been considered and therefore, the petitioner has filed this writ petition.

4. Today, when the matter is taken up for hearing, learned counsel appearing for the respondents submitted that the petitioner's complaint dated 30.07.2016 submitted to the Medical Council of Tamil Nadu, the first respondent herein has been considered and a detailed order was passed on 15.09.2021.

5. In view of the same, this writ petition is disposed of leaving it open to the petitioner to seek appropriate legal remedy, if so, advised as against the order dated 15.09.2021 passed by the first respondent. A copy of the order dated 15.09.2021 shall be served on the petitioner, if not already served, within two days from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

msr/rsh

To

1. The Medical Council of Tamilnadu,
No.914, Poonamallee High Road,Arumbakkam, Chennai - 106.

2.The District Collector,Villupuram District.

+1 cc to Government Pleader Sr.NO. 54641

+1 cc to Mr.N. Subramani , Advocate Sr.NO.54404

+1 cc to Mr.G. Sankaran, Advocate Sr.NO. 54524

WP No. 6201 of 2017

PA (CO)

A.SK(12.11.2021)