



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.12.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31915 of 2019

K. Ramesh

.. Petitioner

Vs.

1. The Chief Secretary to Government,
Government of Tamil Nadu,
Fort St.George,
Chennai-600 009.

2. The Secretary,
General Health Department,
Secretariate,
Fort St.George,
Chennai-600 009.

3. The Dean,
Rajiv Gandhi Government General Hospital,
Chennai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st Respondent to consider the petitioner's representation dated 07.05.2019.

For Petitioner
For Respondents

: Mr. R. Anbazhagan
: Mr. K. Karthikeyan
Government Advocate.

O R D E R

The petitioner has filed this petition under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st Respondent to consider the petitioner's representation dated 07.05.2019.

2. The case of the petitioner is that his wife was affected by dengue fever due to which initially she was admitted in the Head Quarters Hospital, Kanchipuram and discharged. Thereafter, she was taken to the Rajiv Gandhi Government General Hospital, Chennai wherein she was not given proper medical



treatment which resulted in her death. After the demise of his wife, the livelihood of the petitioner was affected since she was also earning along with the petitioner. Therefore, the petitioner made a representation to the Respondents on 07.05.2019 with regard to claiming compensation towards the death of his wife, however, till date no action has been taken on his representation. Hence, the present Writ Petition is filed.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the Respondents to consider the petitioner's representation dated 07.05.2019 and pass orders on the same within a particular time frame fixed by this Court .

4. Though the petitioner claims that it would suffice if his representation is considered, it should be pointed out that but for the stand of the petitioner that no proper treatment was given at the Government Hospital, the same has not been substantiated though any documents. Merely alleging that no proper treatment has been given without submitting any material would not suffice to issue a direction to the respondents to consider the representation of the petitioner. If this Court issues such a direction, this Court will be flooded with petitions from all persons, who have died taking treatment alleging that no proper treatment has been give. Livelihood of the petitioner cannot be put against the state to claim compensation.

5. For the reason stated above, this Court is not inclined to accede to the prayer sought for by the petitioner and accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Chief Secretary to Government,
Government of Tamil Nadu,
Fort St.George,
Chennai-600 009.

2. The Secretary,
General Health Department,
Secretariate,
Fort St.George, Chennai-600 009.



3. The Dean,
Rajiv Gandhi Government General Hospital,
Chennai.

+1 cc to Mr.R. Anbazhagan, Advocate Sr.NO. 64531

+1 cc to Government Pleader Sr.NO. 64861

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AD(CO)

A.SK(04.01.2022)