



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 09.07.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

W.P.(MD)No.9486 of 2021

WEB COPY

Seethalakshmi

... Petitioner

Vs.

1. The Superintendent of Police,
Sivagangai District, Sivagangai.

2. The Inspector of Police,
Palayanur Police Station,
Sivagangai District.

3. The Superintendent of Prison,
Central Prison, Madurai.

4. The Administrator/Management,
Meenakshi Mission Hospital and Research Centre,
Lake View Area,
Melur Main Road,
Madurai - 625 107.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to shift the petitioner's husband Mr.Muthu Servai, Remand Accused in Crime No.32 of 2018 on the file of the 2nd Respondent Police from Meenakshi Mission Hospital, Madurai to lifewell Institute of Rehabilitation Medicine, Melur Road, Poovanthi, Sivagangai District, for taking specialized treatment for the incurred stroke, nerves problem, lost of eye vision, chronic diabetic and Chronic Hyper-Pressure.

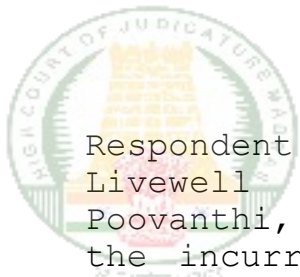
For Petitioner : Mr.V.Raghavachari
for Mr.K.R.Laxman

For R1 to R3 : Mr. R.M.Anbunidhi,
Additional Public Prosecutor

For R4 : Mr.K.M.Thiruppathy

O R D E R

This Writ Petition is filed seeking a direction to the respondents to shift the petitioner's husband Mr.Muthu Servai, Remand Accused in Crime No.32 of 2018, on the file of the 2nd



Respondent Police from Meenakshi Mission Hospital, Madurai to Livewell Institute of Rehabilitation Medicine, Melur Road, Poovanthi, Sivagangai District, for taking specialized treatment for the incurred stroke, nerves problem, lost of eye vision, chronic diabetic and chronic hyper-pressure.

2. The petitioner filed a Writ Petition in WP(MD)No.7805 of 2021 seeking a direction to the authorities to shift her husband to the above named person, from the Central Prison, Madurai to the Meenakshi Mission Hospital, Madurai for better treatment and that petition was allowed, on 09.04.2021. Subsequently, the convict was shifted to the Meenakshi Mission Hospital, Madurai and compliance report was also filed before this Court. Ever since from the date of admission, the convict is undertaking treatment in Meenakshi Mission Hospital, Madurai.

3. Now, this petition has been filed on the ground that on the basis of the advise given by the Medical Experts, her husband has to be shifted to the above said Livewell Institute of Rehabilitation Medicine, Melur Road, Poovanthi, Sivagangai District, for better and continuation of treatment for his ailments.

4. Heard both sides.

5. Even when this petition was moved by the learned counsel for the petitioner, this Court was of the view that such a shifting of the prisoner from one hospital to another hospital may not be possible and only for the limited purpose of saving life of the convict, order has been passed by this Court, taking into account of the health condition of the convict. Now, his health condition has improved due to the continues treatment. Now, for physiotherapy treatment, she wants her husband to be shifted to the above said hospital. Even though, the said hospital is located within 10 kilometres from Madurai City, it lies in Sivagangai District. So, shifting the prisoner from one District to another District, for continuation of treatment may not be possible.

6. At this juncture, the learned counsel for the petitioner would submit that even though, it is located in Sivagangai District, it lies within 10 kilometres from the city. But, that cannot be a matter for consideration. So, even during the arguments, the learned counsel appearing for the private hospital namely, Meenakshi Mission Hospital, Madurai, was ready to provide the treatment to the convict in their hospital and according to him, such facilities are also available.

7. The learned counsel for the private hospital has given a certificate. As per the certificate, which is enclosed in page number 80 of the typedset of papers, the relevant portion runs like this:-

*"This is certified that **Mr.Muthiah Alies Muthuservai T, (Hos.No.1013533, MRD No.742664)** was admitted in Meenakshi Mission Hospital, with a diagnosis of **Left MCA Infarct**. He has right upper and lower limb weakness and was treated with antiplatelets and neuroprotectives. Patient improved symptomatically*



but weakness persists. He requires physiotherapy for complete recovery"

8. By citing this certificate, the learned counsel for the petitioner submit that their hospital is not having latest instruments for giving proper physiotherapy treatment.

9. Considering the submission of the learned counsel for the private hospital, when they are ready to provide, such a treatment to the convict, the question of shifting, may not be and will not arise. So, the petition deserves dismissal and accordingly, the same is dismissed.

10. After the treatment is over, the convict namely, Muthuservai must be taken back to the Central Prison, Madurai, and expenses for the escorts as well as the treatment shall be borne by the petitioner. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

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 Superintendent of Police,
Sivagangai District, Sivagangai.
2. The Inspector of Police,
Palayanur Police Station,
Sivagangai District.
3. The Superintendent of Prison,
Central Prison, Madurai.

W.P. (MD)No.9486 of 2021
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RC (16.07.2021) 3P-4C