



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2021

CORAM :

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD)No.21401 of 2021

Ayyaa

... Petitioner

vs.

- 1) The Principal Secretary to the Government,
Health and Family Welfare Department,
Secretariat,
Chennai.
- 2) The Director,
Directorate of Medical and Rural Health Services,
Teynampet,
Chennai.
- 3) The Joint Director,
Health and Family Welfare Department,
No.17, Periyar Road,
JCK Nagar,
Chengalpattu-603 001.
- 4) The Joint Director,
Health and Family Welfare Department,
No.359, Anna Salai,
Chokkalingam Nagar,
Teynampet,
Chennai-600 006.
- 5) The Joint Director,
Health and Family Welfare Department,
No.107-A, Race Course Road,
Coimbatore-641 018.
- 6) The Joint Director,
Health and Family Welfare Department,
Marai soosai Nagar,
Beach Road,
Cuddalore-607 001.



7) The Joint Director,
Health and Family Welfare Department,
Kuppur (PO),
Dharmapuri-636 704.

WEB COPY

8) The Joint Director,
Health and Family Welfare Department,
Government Head Quarters Hospital Compound,
Dindugal-624 001.

9) The Joint Director,
Health and Family Welfare Department,
Government Head Quarters Hospital Compound,
Erode-638 009.

10) The Joint Director,
Health and Family Welfare Department,
No.14, K.Mamananthai Salai,
Kallakurichi-606 202.

11) The Joint Director,
Health and Family Welfare Department,
Government Head Quarters Hospital Compound,
Kancheepuram-631 502.

12) The Joint Director,
Health and Family Welfare Department,
Government Head Quarters Hospital Compound,
Kanyakumari-629 001.

13) The Joint Director,
Health and Family Welfare Department,
Collectorate Compound,
Karur.

14) The Joint Director,
Health and Family Welfare Department,
Collector Office Backside,
New RTO Office (Via)
Ramapuram, Krishnagiri-635 115.

15) The Joint Director,
Health and Family Welfare Department,
Government Hospital Compound,
Usilampatti, Madurai-625 532.

16) The Joint Director,
Health and Family Welfare Department,
Ilancheran Nagar, Nagapattinam-611 001.



- 17) The Joint Director,
Health and Family Welfare Department,
Near Namakkal Tourist Office,
Namakkal.
- 18) The Joint Director,
Health and Family Welfare Department,
Near Palakkarai bus stop,
Thuraimangalam(PO),
Permbalur.
- 19) The Joint Director,
Health and Family Welfare Department,
No.3685/3, W-3rd street,
Kadukangadu,
Pudukkottai-622 001.
- 20) The Joint Director,
Health and Family Welfare Department,
Old Government Women and Children Hospital
Compound, Sikil Raja Veethi
Ramanathapuram-623501
- 21) The Joint Director,
Health and Family Welfare Department,
No.406, 4th Floor, Hastampatti,
Opp to Kumaramangalam government College,
Salem-637 007.
- 22) The Joint Director,
Health and Family Welfare Department,
College Road,
Aranmanai Vasal,
Sivagangai-630 561.
- 23) The Joint Director,
Health and Family Welfare Department,
No.24, Sivaji Nagar,
Thanjavur-613 007.
- 24) The Joint Director,
Health and Family Welfare Department,
Government Hospital Compound,
Prison Mountain Road,
Nilgris-643 001.
- 25) The Joint Director,
Health and Family Welfare Department,
Periyakulam, Theni.



- 26) The Joint Director,
Health and Family Welfare Department,
No.166, North Beach Road,
Fisheries Complex,
Thoothukudi-628 001.
- 27) The Joint Director,
Health and Family Welfare Department,
Old Police Hospital Road, Samathanapuram,
Palayamkottai,
Tirunelveli-627002.
- 28) The Joint Director,
Health and Family Welfare Department,
No.6, Pachel Road,
Author Nagar,
Tirupathur-635 601.
- 29) The Joint Director,
Health and Family Welfare Department,
No.24, Government Headquarters,
Opposite the old bus station,
Tarapuram Road,
Tiruppur-641654.
- 30) The Joint Director,
Health and Family Welfare Department,
Government General Hospital Campus,
Tiruvallur.
- 31) The Joint Director,
Health and Family Welfare Department,
No.34, Lakshmipuram, Gandhi Nagar,
Thiruvannamalai.
- 32) The Joint Director,
Health and Family Welfare Department,
No.17, V.O.C Road,
Trichy-620 001.
- 33) The Joint Director,
Health and Family Welfare Department,
Taluk Office,
Old Collector Building,
TNJ Road,
Thiruvarur-610 001.



34) The Joint Director,
Health and Family Welfare Department,
Arani Road (SH-9),
Sankaranpalayam,
Vellore-632001.

WEB COPY

35) The Joint Director,
Health and Family Welfare Department,
NH-45A, East Pandi Road,
Villupuram-605602.

36) The Joint Director,
Health and Family Welfare Department,
Collector Office Complex,
Virudhunagar-626 003.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to implement the rules stated in Section 5.1 of Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 and Clinical Establishment Act Standards for Hospital (CEA 2010 rules and regulation) by considering the representation dated 27.09.2021.

For Petitioner : Mr.A.C.Vinayagarajan

For Respondents : Mr.P.Subbaraj, Special Government Pleader

ORDER

(Order of the Court was made by **PUSHPA SATHYANARAYANA, J.**)

The writ petition is filed seeking a Mandamus, directing the official respondents who are 36 in number, mainly are the Joint Directors of Health and Family Welfare Department of each district, to implement the rules stated in Section 5.1 of Indian Medical Council (Professional Conduct Etiquette and Ethics) Regulations, 2002 and Clinical Establishment Act Standards for Hospital (CEA 2010 rules and regulation), by considering the petitioner's representation dated 27.09.2021.

2. The petitioner is an Advocate and claims to be a social activist. He has stated in his affidavit that the private hospitals are charging enormous fees, including for delivery of babies, either by natural process or by C-Section. He has also cited the Covid-19 pandemic situation, wherein, the private hospitals were charging excessive fee.

3. According to the learned counsel for the petitioner, a Physician should follow the rules and regulations set out in the Indian Medical Council (Professional Conduct Etiquette and Ethics) Regulations, 2002. His main grievance is that none of the private



hospitals are complying with the above rules and regulations and they are not discharging their duties to citizens, as stated in Section 5.1 of the above referred regulations. Hence, such prayer has been sought for.

4. While the petitioner has come up seeking such a relief, it is for the regulatory bodies to address the same and even as per the affidavits, those regulations are in place. While the petitioner has invoked the jurisdiction of this Court under Article 226, seeking a Mandamus, directing the respondents to discharge their obligations, the fundamental duties of the citizen under Article 51A, has also to be followed by the individual. The affidavit also reads as bald as it could be seen, excepting quoting the regulations, the petitioner has not even cited one example, as to which are the hospitals that are violating the regulations. Therefore, this Court is not inclined to entertain such writ petition. Also, there is no compulsion for a citizen to go to any of the hospital, if he/she feels that the charges are exorbitant, as the State and Central Governments have established state of the art hospitals with latest and sophisticated equipments. This apart, ESI Corporations and Primary Health Centres are also serving the society, by extending medical services to the public. Hence, we are not inclined to pass any orders and the writ petition is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

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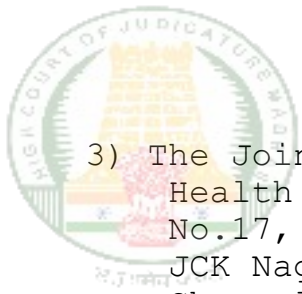
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Sub Assistant Registrar(CS)

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- 2) The Director,
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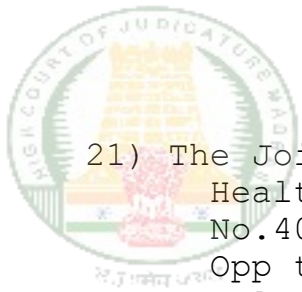


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+1 CC to M/s.SPL GP (SR-37621[F] dated 07/12/2021)

ORDER MADE IN
W.P(MD)No.21401 of 2021
DATED : 06.12.2021

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TR(14.12.2021) 10P 38C