



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28001 of 2015

D.Arun

...Petitioner

Vs

The Additional Director,
Central Government Health Scheme,
E2C, Rajaji Bhavan,
Beasant Nager, Chennai - 600 034.

...Respondent

PRAYER:Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to order or direction to the Miot Hospital Manapakkam Chennai - 89 that all the medical records in Orginial reports Scans CT Scan films and MRI Scan films for the Brain and other Scan reports holded by the Miot Hospital for the patient Mrs D.Manoranjitham had admitted and taken as- inpatient treatments from a) 31/08/2009 - 18/09/2009 b)16/10/2014 - 21/10/2014 and c) 28/11/2014 - 03/12/2014, should furnish the medical records in good conditions in clear and safe to the petitioner and directing the respondent to pay the losses amount of Rupees Fifty Four Crores @ the rate of two percentage interest per month till the dated of order of this case to the petitioner for the losses made by the respondent by willfully neglected of duty u/s.166 of IPC 1860 and to furnish the medical bills submitted by the Miot Hospital to respondent from 1) 31.08.2009-18.09.2009, 2) 16.10.2014 - 21.10.2014 3) 28.11.2014 - 03.12.2014 for the petitioner mother to the petitioner.

For Petitioner : Mr.D.Arun
Party-in-Person

For Respondent : Mr.P.R.Ramesh Babu
Senior Standing Counsel

O R D E R

The relief sought for by the petitioner in the present writ petition is for a writ of Mandamus, to direct the respondent to order or direction to the Miot Hospital Manapakkam Chennai - 89 that all the medical records in Orginial reports Scans CT Scan films and MRI Scan films for the Brain and other Scan



reports held by the Miot Hospital for the patient Mrs D.Manoranjithan had admitted and taken as- inpatient treatments from a) 31/08/2009 - 18/09/2009 b)16/10/2014 - 21/10/2014 and c) 28/11/2014 - 03/12/2014, should furnish the medical records in good conditions in clear and safe to the petitioner and directing the respondent to pay the losses amount of Rupees Fifty Four Crores @ the rate of two percentage interest per month till the dated of order of this case to the petitioner for the losses made by the respondent by willfully neglected of duty u/s.166 of IPC 1860 and to furnish the medical bills submitted by the Miot Hospital to respondent from 1)31.08.2009-18.09.2009, 2) 16.10.2014 - 21.10.2014, 3) 28.11.2014 - 03.12.2014 for the petitioner mother to the petitioner.

2.The grievances of the writ petitioner is that his mother Mrs.D.Manoranjitham had admitted in Miot Hospital and underwent treatment as in-patient and discharged on 21.10.2014. The petitioner pleads certain negligence on the part of the hospital authorities while providing treatment.

3.This Court is of the considered opinion that Miot Hospital is a private hospital and the Central Government authorities may not have direct control in respect of the treatments provided by such private hospitals. In the event of any medical negligence or deficiency in service on the part of the private hospital, the petitioner has to approach the competent forum/Court of law for the purpose of redressal of his grievances by establishing the medical negligence or deficiency in service or otherwise. Contrarily, a Writ Court cannot conduct an adjudication in respect of such disputes between the parties. The medical negligence or deficiency in service require an elaborate adjudication and with reference to the original documents and evidences. This apart, the petitioner seeks relief against a private hospital and therefore, no writ is entertainable.

4.In such view of the matter, the petitioner is at liberty to approach the competent forum/Court of law for the purpose of redressal of his grievances.

5.With this liberty, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cse



To

The Additional Director,
Central Government Health Scheme,
E2C, Rajaji Bhavan,
Beasant Nagar, Chennai - 600 034.

Copy To

The Sub Assistant Registrar,
Writ (AE), High Court,
Madras - 104.

W.P.No.28001 of 2015

PCH(CO)
RGA(23/03/2022)