



W.P.No.34972 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.34972 of 2014

and

M.P.No.1 of 2014

Dr.Hisamuddin Papa

... Petitioner

Vs

1.The Registrar,
The Tamil Nadu Medical Council,
New No.915, Old No.569,
Poonamallee High Road,
Arumbakkam, Chennai - 600 106.

2.Farooq Sheikh

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records in the first respondent's Show Cause Notice dated 31.10.2014 issued in Ref.No.TNMC/D.C.No.66/2014 and to quash the same.

For Petitioner : M/s.M.Shreedhar and Associates

For Respondents :

For R1 : Mr.G.Sankaran



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ORDER

This Writ Petition has been filed for a Certiorari, to call for the records in the first respondent's Show Cause Notice dated 31.10.2014 issued in Ref.No.TNMC/D.C.No.66/2014 and to quash the same.

2. The petitioner has challenged the impugned Show Cause Notice dated 31.10.2014 issued by the first respondent to the petitioner based on the complaint issued by the second respondent on 24.10.2014 stating that due to negligence in the hospital of the petitioner, the second respondent's unnamed wife died and that the petitioner had offered to pay a sum of Rs.1,00,00,000/- as compensation to pacify the second respondent.

3. In the complaint, it is further stated that the petitioner was having links with terrorist and was funding terrorist in India and that the second respondent was an eye witness to the same. The impugned Show Cause Notice dated 31.10.2014 calling upon the petitioner to give his explanation is unwarranted. If the second respondent was so aggrieved, it is open for the second respondent to file a criminal complaint against the petitioner based on the available records and claim compensation for negligence before the consumer forum.



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4. The impugned Show Cause Notice dated 31.10.2014 calling upon the petitioner to give his explanation based on the complaint dated 24.10.2014 of the second respondent is unwarranted. That apart, the second respondent has been served notice in this writ petition and has not been come forward to enter appearance for filing counter either in person or through the counsel on record. Further, no counter affidavit has been filed by the first respondent.

5. Considering the same, I am inclined to quash the impugned Show Cause Notice dated 31.10.2014 issued by the first respondent by allowing this writ petition. This Writ Petition stands allowed with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.

11.10.2022

Index: Yes/ No
Speaking/Non-Speaking Order

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C.SARAVANAN, J.

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To

WEB

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