



WEB COPY



W.P. No.27755 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.27755 of 2022

R.John Britto

... Petitioner

Vs.

1.The Secretary,
Tamil Nadu Health and Family Welfare Department,
Chennai – 600 001.

2.The Secretary,
Directorate of Medical and Rural Health Service,
Chennai – 600 006.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation letter dated 25.10.2021 on merits.

For Petitioner : Ms.R.Sruthi

For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader

ORDER

The prayer sought for herein is for a writ of mandamus directing the 2nd respondent to consider the petitioner's representation dated 25.10.2021 on merits.



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2. The petitioner's father one Royappan was admitted in a Private Hospital called Ritheesh Hospital at Sathyamangalam on 24.09.2021 and after treatment, he died, which, according to the petitioner, who is the son of the deceased, was due to the mis-management or negligence and malfunction of medical treatment given by the Ritheesh Hospital, therefore a complaint had been given by way of representation to the 1st respondent i.e. Secretary to Government, Health and Family Welfare Department, Government of Tamil Nadu on 25.10.2021 and the said representation should be considered i.e. the grievance of the petitioner for which the petitioner has moved the present writ petition.

3. Heard Ms.R.Sruthi, learned counsel appearing for the petitioner who having reiterated the aforesaid would seek indulgence of this Court.

4. Mr.Stalin Abimanyu, learned Additional Government Pleader appearing for the respondents submits that though the 1st respondent does not have any control directly over the Private Hospital concerned and if at all any medical negligence, the petitioner has to approach the appropriate forum for getting compensation etc. and therefore, in this regard a plea raised by the petitioner by making the representation to the 1st respondent



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dated 25.10.2021 is not supposed to be decided by the 1st respondent, but anyhow since there has been a representation to the 1st respondent, that would be given a disposal by the 1st respondent within a time frame that may be stipulated by this Court.

5. Considering the said submission made by the learned Additional Government Pleader appearing for the respondents, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the respondents to consider and pass orders on the representation of the petitioner dated 25.10.2021 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

18.10.2022

Index : Yes/No

Speaking order : Yes/No
Sgl



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R.SURESH KUMAR, J.

Sgl

To

- 1.The Secretary,
Tamil Nadu Health and Family Welfare Department,
Chennai – 600 001.
- 2.The Secretary,
Directorate of Medical and Rural Health Service,
Chennai – 600 006.

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