



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

**W.P. (MD)No.3073 of 2022**

V.Chinnaiya

... Petitioner

Vs

1.The State of Tamil Nadu,  
represented by its Secretary,  
Health and Family Welfare Department,  
Fort St. George,  
Chennai - 600 009.

2.The Director,  
Medical and Rural Health Services,  
Chennai - 600 006.

3.The District Collector,  
Dindigul District,  
Dindigul.

4.The Joint Director,  
Health Service,  
Dindigul District,Dindigul.

5.The Dean,  
Government Head Quarters Hospital,  
Dindigul District,Dindigul.

6.J.Divya

7.J.Sangeetha

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the official Respondents to consider petitioners representations dated 21.11.2019 and 24.01.2022 and conduct appropriate further enquiry by following report of the 4<sup>th</sup> respondent dated 08.12.2020 and also award compensations amount of Rs.50,00,000/- (Rupees Fifty Lakhs) or any other appropriate compensations for the death of petitioners daughter and new born child within time frame fixed by this Court.

For Petitioner : Mr.N.Syed Ali

For Respondents : Mr.G.V.Vairam Santhosh for R1 to R5  
Additional Government Pleader

**ORDER**

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 5 to consider the petitioner's representations dated 21.11.2019 and 24.01.2022 and pass orders awarding compensation amount of Rs.50,00,000/- for the medical negligence committed by the respondents 6 and 7, who are in the service of the 5<sup>th</sup> respondent hospital, which resulted in the death of the petitioner's daughter and the new born child gave birth by his daughter. He has given the aforementioned representations seeking for compensation of Rs.50,00,000/-. Since those representations have not been considered till date, he has filed this writ petition.

2.Heard Mr.N.Syed Ali, learned counsel appearing for the petitioner and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 5.

3.By consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.

4.The learned Additional Government Pleader submits that they are awaiting the Enquiry Report from the 5<sup>th</sup> respondent. Once the said report is received, the petitioner's representations will be considered on merits and in accordance with law, after affording a fair hearing to the petitioners as well as the 6<sup>th</sup> and 7<sup>th</sup> respondents. The said statement is recorded.

5.Accordingly, this Court directs the 5<sup>th</sup> respondent to conduct the enquiry with regard to the alleged medical negligence committed by the 6<sup>th</sup> and 7<sup>th</sup> respondents, which is the subject matter of the writ petition, to submit a report within a period of two weeks from the date of receipt of a copy of this order to the 2<sup>nd</sup> respondent. On receipt of the said report, the fourth respondent shall pass final orders on the petitioner's representations dated 21.11.2019 and 24.01.2022, within a period of eight weeks thereafter, after affording a fair hearing to the petitioner as well as the 6<sup>th</sup> and 7<sup>th</sup> respondents. In case, the petitioner is found to be eligible for compensation, the first respondent shall pay the said amount to the petitioner.

6.With the aforesaid directions, this writ petition is disposed of. No costs.

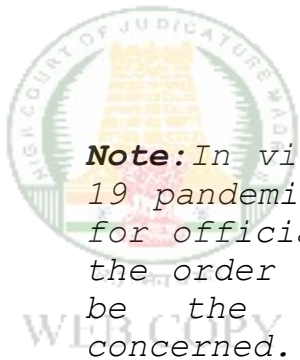
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



**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 Secretary,  
Health and Family Welfare Department,  
Fort St. George,  
Chennai - 600 009.
- 2.The Director,  
Medical and Rural Health Services,  
Chennai - 600 006.
- 3.The District Collector,  
Dindigul District,  
Dindigul.
- 4.The Joint Director,  
Health Service,  
Dindigul District,  
Dindigul.
- 5.The Dean,  
Government Head Quarters Hospital,  
Dindigul District,  
Dindigul.

+1 CC to M/s.SPL GP ( SR-7095[F] dated 18/02/2022 )

+1 CC to M/s.N.SYED ALI, Advocate ( SR-6873[F] dated 17/02/2022 )

**W.P. (MD)No.3073 of 2022**  
**17.02.2022**

AP(26.02.2022) 3P 8C