



W.P(MD)No.11457 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11457 of 2022

C.Nepolian

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by the Secretary to Government,
Department of Health and Family Welfare,
Fort St.George, Chennai – 600009.

2.Tamil Nadu Medical Council,
Rep. by its President,
New No.915, Old No.56, Poonamallee High Road,
Arumbakkam, Chennai – 600 106.

3.The District Collector,
Tenkasi District,
Tenkasi.

4.The Joint Director,
Medical and Rural Health Service,
Tenkasi, Tenkasi District.

5.Founder & Chairman,
Shanthi Hospital,
Tenkasi,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent to



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take appropriate action upon petitioner's complaint and directing the 5th respondent to refund the exorbitant money received from the petitioner in violation to the Government Order dated 05.06.2020.

For Petitioner : Mr.P.Edin Brough

For Respondents : Mr.M.Prakash,
Addl. Govt. Pleader for R1, R3 & R4.
Mr.C.Karthik for R2
Mr.D.Srinivasaragavan for R5

ORDER

Heard the learned counsel on either side.

2.The petitioner went to the fifth respondent hospital on 29.08.2020 apprehending that he was suffering from covid. The fifth respondent hospital informed the petitioner that the petitioner has to pay a sum of Rs.2,50,000/- as package treatment. The petitioner paid the same. He was an inpatient in the fifth respondent hospital till 07.09.2020. The case of the petitioner is that since the fifth respondent insisted that further sum of Rs.4,71,000/- should be paid, he had to escape from the hospital premises. In this regard, Crime No.325 of 2020 was registered against the petitioner for the offences under Sections 270 and 271 of IPC. The said FIR was subsequently quashed by this Court in CrI.O.P.(MD)No.11530 of 2020. The case of the petitioner is that the charges



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demanded by the fifth respondent hospital were exorbitant and not in consonance with the rates prescribed in G.O. (Ms) No.240, Health and Family Welfare (EAP-1) Department, dated 05.06.2020.

3.In normal circumstances, I would have definitely taken up the matter for consideration. I am not inclined to interfere in this case for more reasons than one. The learned counsel for the fifth respondent clarified that they have no further claim on the writ petitioner and that they want to treat the matter as closed. Admittedly, the occurrence took place way back in August – September 2020. The writ petition has been filed only in June 2022 after a lapse of almost two years. The writ petition suffers from laches. When the petitioner went to the fifth respondent hospital, it is not as if the fifth respondent extorted any amount from the petitioner. The petitioner made payment on his own. The fifth respondent is a private entity. In these circumstances, I am not inclined to exercise my discretion in favour of the writ petitioner.

4.The writ petition is disposed of by recording the undertaking of the fifth respondent that there is no further claim against the writ petitioner. No costs.

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Index : Yes / No



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Internet
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: Yes/ No



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G.R.SWAMINATHAN, J.

ias

To:

- 1.The Secretary to Government,
Department of Health and Family Welfare,
Fort St.George, Chennai – 600009.
- 2.The District Collector,
Tenkasi District,
Tenkasi.
- 3.The Joint Director,
Medical and Rural Health Service,
Tenkasi, Tenkasi District.

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