



WEB COPY



W.P.No.5483 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.5483 of 2020

S.Jayachandran

... Petitioner

Vs.

1. Medical Council of India,
Pocket – 14, Sector – 8,
Dwarka Phase – 1,
New Delhi – 110 077.
2. Tamil Nadu Medical Council,
No.914, Poonamallee High Road,
Arumbakkam,
Chennai.
3. Dr.G.Vijay Balaji
4. Dr.Sriram Diabetologist
5. Dr.Sivakumar
6. M/s.Billroth Hospital,
Having office at No.52,
2nd Main Road, R.A.Puram,
Chennai – 600 028.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents herein to pass orders on the petitioner's representation dated 20.11.2019 on merits and in



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accordance with law.

WEB COPY For Petitioner : Mrs.Karthikaa Ashok
For R1 : M/s.Subharanjani Ananth
Sc for National Medical council
For R4 : Mr.S.Ramesh
For R5 : Mr.R.Chandrasudan
For R6 : Mr.V.Shankar

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct respondents herein to pass orders on the petitioner's representation dated 20.11.2019 on merits and in accordance with law.

2. It is the case of the petitioner that he was suffering from severe back Ache. While that being so, he consulted the third respondent, who had diagnosed that the said pain was due to “RIGHT SCIATICA” and based on the advice of the respondents 3 to 6, the petitioner was admitted as an in patient on 18.01.2018 in the sixth respondent's Hospital. The petitioner was discharged on 23.07.2018 and was regularly following the medicines as prescribed by the respondents 3 ot 6. Suddenly, the petitioner lost his vision



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and in the meanwhile, he consulted a physician in this regard, who diagnosed that such a bodily reaction was due to the wrong medication given by the respondents 3 to 6. Due to the negligence on the part of the respondents 3 to 6, the petitioner lost his vision. Hence, he made a representation dated 20.11.2019, before the respondents 1 and 2, to initiate disciplinary proceedings against the respondents 3 to 6. Since no response is forthcoming, the petitioner has come up with the present writ petition seeking the relief stated supra.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that, it would suffice if this Court issues a direction to the respondents 1 and 2 to consider the petitioner's representation dated 20.11.2019 and pass appropriate orders within the time frame that may be stipulated by this Court.

4. Learned standing counsel appearing for the first respondent submits that the petitioner's representation dated 20.11.2019 will be considered after affording an opportunity of hearing to the petitioner as well as respondents 3 to 6 and appropriate orders will be passed within the time frame



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that may be fixed by this Court.

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5. Recording the submission made by learned standing counsel appearing for the first respondent, this Court without going into the merits of the case directs the respondents 1 and 2 to consider the petitioner's representation dated 20.11.2019 on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as aggrieved persons if any including the respondents 3 to 6 within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is disposed of. No costs.

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Index : Yes / No
Speaking order / Nonspeaking order
Neutral Citation Case : Yes / No
(rap)



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To

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M.DHANDAPANI, J.

(rap)

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