



WEB COPY



W.P.No.11443 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM :

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

W.P.No.11443 of 2023

Mrs.Sri Krishna Priya K.E.
W/o Mr.S.Sidhartha Vishnu
Plot No.820, Door No.46, G-1,
“Kamalalyam” Jeevanandham Salai,
K.K.Nagar, Chennai-600 078

... Petitioner

Vs.

1.The President,
The Tamilnadu State Medical Council,
No.914, Poonamallee High Road,
Amaravathi Nagar, Arumbakkam,
Chennai-600 106.

2.The Chairman,
Sri Ramachandra Medical Centre,
No.1, Ramachandra Nagar, Porur,
Chennai-600 116.

3. Dr.N.Palaniappan
4. Dr.Uma Sekar MD, DCP
5. Dr.Sandhya Sundaram
6.Dr.Archana
7.Dr.Chitra
8.Dr.Priyadhersini
9.Dr.Subalakshmi Balasubramanian
10.Dr.Susruthan
11.Dr.Rithika Rajendran
12.Dr.Pavithra
13.Dr.M.Manickavasagam



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14.The National Medical Commission

Rep by its Secretary,
Pocket-14, Sector-8,
Dwaraka Phase-1,
New Delhi-110 077.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus or any other appropriate Writ, Order or Direction directing the 1st respondent to take necessary action against the respondents 1 to 13 as per law on the basis of the petitioner's complaint dated 21.12.2022, submitted to the 1st respondent and to give adequate opportunity of personal hearing to the petitioner as upheld by this Hon'ble Court by its order dated 26.10.2021 in "*P.Basumani Vs. The Tamilnadu Medical Council,*" dispose of the same within a specific time frame.

For Petitioner : M/s.Kavitha Rameshwar

For Respondents : Mr.G.Sankaran,
Senior Counsel
for Mr.Nedunchezhiyan,
Standing Counsel for R1
: Mr.Shuba Ranjani Ananth for
R14.

ORDER

This Writ Petition has been filed for a direction to take action against respondents 2 to 13 on the basis of the petitioner's complaint and pass orders after granting opportunity of personal hearing to the petitioner as per the dictum of this Court in *P.Basumani - Vs - The Tamil Nadu Medical Council*.



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2. It is the case of the petitioner that for the purpose of certain medical complications, the petitioner had got herself treated at Sri Ramachandra Medical Centre and she had underwent a series of tests for ruling out cancer. Respondents 3 to 13 had attended on the petitioner for the purpose of giving medical treatment. However, due to negligence in giving proper care by the respondents 2 to 13, the petitioner's illness, which was later diagnosed as Choriocarcinoma (Cancer) was not properly diagnosed and after leaving it for a considerable length of time, the medical condition was diagnosed as cancer, which was due to the negligent act of the respondents 2 to 13. Wrongful diagnosis had also led to the removal of uterus of the petitioner, which had put her in a ultra high risk category on being diagnosed with cancer. Therefore, the petitioner, coming to know of the negligent medical aid given to her, had caused a notice on the respondents and the petitioner had also given a complaint to the 1st respondent to take action on the complaint and for preservation of all the reports, records and specimens. However, no action has been taken on the said complaint by the 1st respondent and resultantly, the petitioner has been constrained to file the present writ petition.



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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 1st respondent to consider the compliant dated 21.12.2022 made by the petitioner and take necessary action on the 1st respondent within the time that may be stipulated by this Court.

4. Learned Senior Counsel appearing for the 1st respondent submits that already the complaint was entertained and notice to the petitioner as well as the aggrieved persons have been issued and enquiry will be conducted and appropriate order will be passed after affording an opportunity of personal hearing.

5. Considering the fair submission made by the learned senior counsel appearing for the 1st respondent, this Court is inclined to issue a direction to the 1st respondent to conclude the enquiry proceedings within a period of twelve weeks from the date of receipt of a copy of this order after affording an opportunity of personal hearing to the petitioner as well to the private respondents.



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6. This Writ Petition stands disposed of with the aforesaid direction.

There shall be no order as to costs.

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Index : Yes / No

Speaking order / Non speaking order

Netrual Citation Case : Yes / No

NHS



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M.DHANDAPANI, J.

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To

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