



WEB COPY



W.P.No.13061 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 01.06.2023**

**CORAM**

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

**W.P.No.13061 of 2023**

Mr.Mukesh Makkar

... Petitioner

Vs.

1.The Transplant Authority of Tamil Nadu,  
1045/1046, 1st Floor,  
TN Govt. Multi Super Speciality Hospital,  
Omandurar Government Estate,  
Opposite to "The Hindu" Office,  
Anna Salai,  
Chennai – 600 002.

2.M/s.Apollo Hospitals Enterprises Ltd.,  
Rep. by its Director,  
No.21, Greams Lane, Off.  
Greams Road,  
Chennai – 600 006.

... Respondents

**Prayer:**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to take cognizance of the petitioner complaint dated 17.03.2022 and complete investigation within the stipulated time prescribed by this Hon'ble Court.

For Petitioner : Mr.M.Rajeswaran  
for M/s.Nathan and Associates  
For Respondents : Mr.V.Anil Kumar for R1  
Standing Counsel  
Mr.Maimooma Badsha for R2



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**ORDER**

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The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondent to take cognizance of the petitioner complaint dated 17.03.2022 and complete investigation within the stipulated time prescribed by this Court.

2.The case of the petitioner is that the petitioner's wife was admitted in the second respondent Hospital for lung transplantation, however, it was not done and the petitioner's wife died due to the negligence of the second respondent. Hence, the petitioner made complaint to the first respondent seeking to take cognizance of the petitioner's complaint dated 17.03.2022 and to conduct investigation and since the same has not yet been considered, has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that without going into the merits of the case, it would suffice, if this Court issues direction to the first respondent to take cognizance of the petitioner's complaint dated 17.03.2022 and to conduct investigation and to pass appropriate orders within a reasonable time frame.



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4.The learned Standing Counsel appearing for the first respondent submitted that the first respondent is not the competent Authority to conduct enquiry with regard to the alleged negligence of the second respondent and further submitted that the complaint of the petitioner has been forwarded to the Director of Rural Medical Health Services, DMS Complex, Teynampet, Chennai, by the first respondent on 19.04.2022.

5.The learned counsel appearing for the second respondent submitted that for the very same allegation, already the petitioner has filed complaint before the State Consumer Forum in C.C.No.17 of 2022 and the same is pending.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.The facts in the present case is not in dispute. Admittedly, the petitioner has already made complaint as against the alleged negligence of the second respondent before the State Consumer Forum and before the first respondent and the complaint made before



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the first respondent has already been forwarded to the Director of Rural Medical Health Services, DMS Complex, Teynampet, Chennai.

8.In view of the above, this Court directs the Director of Rural Medical Health Services, DMS Complex, Teynampet, Chennai, to conduct investigation on the petitioner's complaint dated 17.03.2022 forwarded by the first respondent on 19.04.2022, by appointing appropriate forum and after the appointed forum conduct enquiry inbetween the petitioner and the second respondent with regard to the alleged negligence of the second respondent, the Director of Rural Medical Health Services, shall pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

9.The writ petition is accordingly disposed of. No costs.

**01.06.2023**

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**Note:** Registry is directed to mark a copy of this order to The Director of Rural Medical Health Services, DMS Complex, Teynampet, Chennai.

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

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**M.DHANDAPANI,J.**  
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