



W.P.No.33116 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2023

CORAM

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

W.P.No.33116 of 2019

C.Kalamegam

...Petitioner

Vs.

1. The Registrar,
Tamil Nadu Medical Council,
New No.914, Old No.569, Poonamalle High Road,
Arumbakkam, Chennai - 600 106.

2. Dr.T.K.Swamy
3. Dr.K.Selvi

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to dispose petitioner's complaint dated 01.08.2018 and take necessary action against respondents 2 & 3 for medical misconduct resulting death of Karpagam, aged 48 years, wife of the petitioner.

For Petitioner : Mr.B.Vasudevan

For Respondents : Mr.S.Neduchezian, SC, for R1.
: Mr.S.Senthil,
for M/s.AAV Partners, for R2 & R3.



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ORDER

WEB COPY The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the 1st respondent to dispose of the petitioner's complaint dated 01.08.2018 and take necessary action against 2nd & 3rd respondents for the medical misconduct which resulted in death of the petitioner's wife.

2. The case of the petitioner is that since the petitioner's wife namely Karpagam had some menstruation period problem, the petitioner and his wife approached the 2nd and 3rd respondents in Sri Valli Hospital, Erode and as per their advise, the petitioner admitted his wife in Sri Valli Hospital, Erode and thereafter, the 2nd respondent and one Dr.Sakthivel performed Laproscopic operation to the petitioner's wife on 16.05.2018. However, because of the medical negligence of the 2nd & 3rd respondents, the petitioner's wife got into critical condition due to abnormal blood bleeding and died on 17.05.2018. Aggrieved by the same, the petitioner gave a complaint dated 01.08.2018 to the 1st respondent, pursuant to which, though the 1st respondent, vide letter dated 30.08.2018, directed the 2nd & 3rd respondents to give explanation, however, till date, no further action has



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been initiated on the petitioner's complaint. Hence, this 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 direction to the 1st respondent to consider the petitioner's complaint dated 01.08.2018 and take necessary action against the 2nd and 3rd respondents.

4. Learned Standing Counsel appearing for the 1st respondent has no objection for the said order being passed and he fairly conceded that the petitioner's complaint dated 01.08.2018 will be considered and appropriate orders will be passed within the time stipulated by this Court.

5. Learned Counsel appearing for the 2nd and 3rd respondents has not raised objection for the said order being passed, however, he submitted that opportunity of personal hearing may be given to the 2nd and 3rd respondents before passing orders on the petitioner's complaint dated 01.08.2018.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the 1st respondent to consider



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the petitioner's complaint dated 01.08.2018 on merits and pass appropriate orders in accordance with law, 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 and the 2nd & 3rd respondents.

7. This Writ petition is accordingly disposed of. No costs.

10.03.2023

skt

Speaking Order : Yes/ No

Index : Yes/ No

To:

The Registrar,
Tamil Nadu Medical Council,
New No.914, Old No.569, Poonamalle High Road,
Arumbakkam, Chennai - 600 106.

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M.DHANDAPANI, J.

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