



W.P.(MD)No.18400 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.02.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.18400 of 2013

and

M.P.(MD).Nos.1 & 2 of 2013

M.Dennis Kumar

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by its Principal Secretary,
Department of Public Health and Family Welfare,
Secretariat, St.George Fort,
Chennai.
- 2.The District Collector,
Kanyakumari,
Kanyakumari District.
- 3.Tamil Nadu Medical Council,
Poonamalle High Road,
Arumbakkam, Chennai 600 106.
- 4.District Medical Officer,
Medical and Rural Health Service,
Kanyakumari,
Kanyakumari District.
- 5.William Hospital,



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Rep by its Proprietor,
Dr.Jeyasingh David,
Main Road, Marthandam,
Kanyakumari District.

6.Dr.Mrs.Priya Solomon,
William Hospital,
Main Road, Marthandam,
Kanyakumari District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 4 to give appropriate treatment to the petitioner's child namely Danme Steno and to take appropriate action against the 5th and 6th respondents within a time frame fixed by this Court consequently direct the respondents to pay a sum of Rs.75,00,000/- (Seventy Five Lakhs Only) as compensation to the petitioner's child for further treatment.

For Petitioner :Mr.L.Shaji Chellan

For Respondents :Mrs.D.Farjana Ghoushia
Special Government Pleader for R1, R2 & R4

:Mr.C.Karthik for R3

:Mr.S.Rajasekar



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ORDER

This writ petition has been filed seeking for a mandamus, directing the respondents 1 to 4, to give appropriate treatment to the petitioner's child namely Danme Steno and to take appropriate action against the 5th and 6th respondents and consequently direct the respondents to pay a sum of Rs.75,00,000/- (Seventy Five Lakhs Only) as compensation to the petitioner's child for further treatment.

2.When the matter was taken up on 03.01.2023, this Court had directed the learned Special Government Pleader to produce the Enquiry Report and the Report of the Expert Committee, which was indicated in the communication dated 14.07.2018, from the Director, Medical and Rural Services on 24.01.2023.

3.Today (16.02.2023), Mr.M.Kamalakannan, Junior Administrative Officer, Directorate of Medical and Rural Health Services, Chennai, had produced the entire file, including the Enquiry Report as well as the Committee's Report.



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4.The Copies of the report dated 15.06.2018 had also given to the learned counsel for the petitioner. As undertaking has already been given by the Government to treat the petitioner's child and it is also informed that the Government will continue to give treatment to the petitioner's child at Institute of Child Health and Hospital for Children, Chennai, or at any other place as advised by the Doctors, no further order is required to be made in this writ petition. However, if the petitioner is aggrieved against the same, he can approach this Court to re-open this writ petition.

5.With the aforesaid observations, this writ petition stands closed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

16.02.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes/No

sbn



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- 5.The Proprietor,
The William Hospital,
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K.KUMARESH BABU, J.

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