



WP(MD)No.4119/2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

WP(MD)No.4119/2020

Senthil Kumar

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai.
- 2.The Secretary to the Government,
Home Department,
Fort St. George, Chennai 9.
- 3.The District Collector,
Madurai District.
- 4.The District Collector,
Virudhunagar District.
- 5.The Dean,
Government Rajaji Hospital,
Madurai.
- 6.The Dean,
Government Hospital,
Srivilliputhur.



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7.The Dean,
Velammal Hospital,
Velammal Medical College and Hospital and
Research Institute Anupanadi, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents 1 to 4 to consider the representation of the petitioner dated 07.11.2019.

For Petitioner : Mr.Senthil Kumar
Party-in-person

For Respondents : Mr.M.Ramesh,
Additional Government Pleader
for R1 to R6

ORDER

The petitioner who is appearing as party-in-person has filed this writ petition seeking a mandamus to the respondents 1 to 4 to consider his representation dated 07.11.2019.



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2. The representation in question is one seeking direction to the respondents to forthwith examine the petitioner, identify his ailment and give him appropriate treatment.

3. This writ petition is a classic case of how the jurisdiction of this Court under Article 226 has been misused. A perusal of the affidavit would clearly show that at every stage where the petitioner has gone to the Hospital with a complaint, the said complaint has been attended and treatment has been given to the petitioner. The petitioner however has not been satisfied with any of the treatment given to him. If the petitioner has not been attended to by any of the Doctors at the Government Hospital or if treatment has been denied to him, he can approach this Court seeking interference of this Court to ensure that he is adequately taken care of. However, in the instant case, the complaint of the petitioner is that his ailment has not been properly diagnosed.

4. This Court cannot give a direction which the petitioner seeks in this writ petition. If the petitioner is not satisfied with the treatment



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given to him by the Government Hospital, it is well open to him to approach a private Doctor. Without doing so, the petitioner has approached this Court albeit for a mandamus to the respondents 1 to 4 to give him the 'correct' treatment. The affidavit does not contain any allegation that the petitioner has not been attended to when he had approached the Doctors in the Government Hospitals namely, Government Hospital at Madurai, Srivilliputhur and Vellammal College Hospital. On the contrary, at every stage he has had necessary medical attention. In the circumstances, this Court does not find any reason to entertain this writ petition. Accordingly this writ petition is dismissed. No costs.

03.04.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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To

1.The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai.



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P.T.ASHA, J.

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