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W.P.(MD)No.19352 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.19352 of 2020

and

W.M.P.(MD)No.16317 of 2020

J.Sundarajan

... Petitioner

vs.

1.The State of Tamil Nadu,
represented by the Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai.



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- 2.The Director,
Health and Family Welfare,
Anna Salai, P.M.S.Complex,
Thenampet, Chennai-600 006.
 - 3.The Joint Director,
Health and Family Welfare,
Usilampatti, Madurai District.
 - 4.The District Collector,
Madurai District.
 - 5.Lakshmana Multispeciality Hospital,
represented by its Managing Director,
Pykara, Madurai.
 - 6.Tamil Nadu Medical Council,
represented by its Registrar,
Arumbakkam, Chennai.
- (6th respondent is suo moto impleaded
by this Court, vide this order, dated
29.08.2023)***

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to take action against the 5th respondent and to pay damages to the tune of Rs.10 Lakhs and to reimburse a sum of Rs.3,20,000/- collected from the petitioner as per his representation, dated 07.10.2020, within a time frame fixed by this Court.

For Petitioners	: Mr.K.R.Shivashankari
For R1 to 4	: Mr.A.K.Manikkam Sepcial Government Pleader
For R5	: Mr.S.Anand Chandrasekar for M/s.Sarvabhuman Associates

ORDER

This writ petition is filed for issuance of a writ of Mandamus, to direct the respondents to take action against the 5th respondent and to pay



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damages to the tune of Rs.10 Lakhs and to reimburse a sum of Rs. 3,20,000/- collected from the petitioner as per his representation, dated 07.10.2020, within a time frame fixed by this Court.

2. The contention of the petitioner is that the petitioner was admitted in the 5th respondent hospital cough and cold on 02.07.2020, The 5th respondent directed the petitioner to pay Rs.4,250/- for taking scan and the petitioner had paid the same. The hospital informed the petitioner that the report will be handed over later on. In the meanwhile, the petitioner was admitted in the hospital and the respondents have taken a swab test only but charged Rs.3,50,000/-. Aggrieved over the



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excess charge, the petitioner is before this Court.

3. Pending writ petition, the 3rd respondent Joint Director has issued a notice to the 5th respondent hospital and directed the hospital to consider the petitioner's case. The notice also directed the hospital if it has received excessive amount, the same shall be repaid and if proper action is not taken then the Joint Director would be constrained to take action against the hospital. The hospital has received the said notice.

4. The learned Counsel appearing for the petitioner submitted that a similar case was filed and the same was considered by another Learned



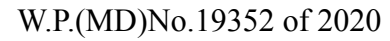
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Single Judge in W.P.(MD)No.10652 of 2020, vide order, dated 23.09.2020. The learned Single Judge has directed the petitioner to submit an application before the Tamil Nadu Medical Council for appropriate action.

5. In the present case, the Tamil Nadu Medical Council is not a party. Therefore, this Court is suo moto impleading the Tamil Nadu Medical Council, represented by its Registrar, Arumbakkam, Chennai, as 6th respondent. The petitioner is directed to submit a detailed representation to the impleaded 6th respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such



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To

- 1.The Secretary to Government,
State of Tamil Nadu,
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5.Registrar,
Tamil Nadu Medical Council,
Arumbakkam, Chennai.



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S.SRIMATHY, J

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