



W.P.(MD)No.51 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.51 of 2021

and

W.M.P.(MD).Nos.57 & 58 of 2021

N.Kamal

Vs.

... Petitioner

1.The Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai 600 009.

2.The Deputy Director,
Medical and Rural Health Services,
Viswanathapuram,
Madurai.

3.The Joint Director,
Medical and Rural Health Services,
Usilampatti-625 532,
Madurai District.

4.The District Collector,
Madurai,
Madurai District.



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5.Devadoss Hospital,
Represented by its Managing Director

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to take action by suspending the license and cancelling the registration of the 5th respondent Hospital as per Section 5 of the Tamil Nadu Clinical Establishment Regulation Act, 1997.

For Petitioner : Mr.L.Shaji Chellan

For R-1 to R-4 : Mr.AK.Manikkam,
Special Government Pleader

For R-5 : Mr.M.Jegadeesh Pandian

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the third respondent to take action against the fifth respondent hospital based on the complaint given by the petitioner on 17.08.2020 and to cancel the registration of the fifth respondent hospital under Section 5 of the Tamil Nadu Clinical Establishment Regulation Act, 1997.



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2. The grievance of the petitioner is that he was suffering from

kidney fever and hence, he was admitted in the fifth respondent hospital.

The fifth respondent hospital had demanded a sum of Rs.6,00,000/- for treating the fever and the petitioner was facing difficulty to pay the said amount and he paid Rs.3,00,000/- and got admitted in the fifth respondent hospital on 03.08.2020. The petitioner alleges that the fifth respondent had administered Covid-19 drugs to the petitioner indiscriminately without any assessment and without following the protocol issued by the ICMR and AIMS. According to the petitioner, this treatment was given by the fifth respondent hospital only to extract money from the petitioner and as a result, the kidney of the petitioner was very badly damaged which had pushed the petitioner to the level of undergoing dialysis. The petitioner got himself discharged from the hospital and gave a complaint against the fifth respondent hospital and sought for cancellation of registration of the fifth respondent Hospital under Section 5 of the Tamil Nadu Clinical Establishment Regulation Act, 1997. Since the same was not considered, the present Writ Petition has been filed before this court.



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3. When the matter came up for hearing on 10.10.2023, this Court directed the learned Special Government Pleader to take instructions on the complaint that was made by the petitioner and as to whether any enquiry was conducted in that regard. Accordingly, the matter was directed to be listed today. When the matter was taken up for hearing today, the learned Special Government Pleader produced the proceedings of the third respondent, dated 16.10.2023. On carefully going through the same, it is seen that an enquiry was conducted and the authorities came to the conclusion that there was no negligence on the part of the fifth respondent hospital and there is no need for taking further action against the fifth respondent hospital. It is also seen from the proceedings that a copy of the proceedings of the third respondent dated 16.10.2023 has already been sent to the petitioner. The copy was also furnished to the learned counsel for the petitioner.

4. It is also brought to the notice of this Court that the petitioner had approached the District Consumer Disputes Redressal Commission, Madurai, seeking for compensation against the fifth respondent hospital on the very same cause of action and the said



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complaint was dismissed for default by an order dated 16.12.2022. That apart, an enquiry was also conducted by the Tamil Nadu Medical Council on the complaint given by the petitioner and the Tamil Nadu Medical Council had also come to the conclusion that there was no negligence on the part of the fifth respondent hospital and also the Doctor working in that hospital. Therefore, the complaint was closed through the proceedings of the Registrar dated 01.09.2023. The copy of the relevant documents was also placed before this Court.

5. In view of the above development, the relief sought for by the petitioner cannot be granted by this Court. If the petitioner is aggrieved by the proceedings of the third respondent dated 16.10.2023, the petitioner has to work out his remedy in the manner known to law.

6. Accordingly, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

17.10.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
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