



W.P(MD)No.17485 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17485 of 2015

K.Sudhakar @ Palaniyandi

... Petitioner

Vs.

- 1.The Principal Secretary,
State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat,
Fort St.George,
Chennai-9.
- 2.The Dean,
Government Ke.A.Pe.Medical College Hospital
(Government Annal Gandhiyadigal Memorial Hospital)
Trichy.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Tiruchirappalli District,
Tiruchirappalli.
- 4.Subramaniyan
Doctor,
Government Ke.Aa.Pe.Medical College Hospital
(Government Annal Gandhiyadigal Memorial Hospital)
Trichy.
- 5.The Inspector of Police,
Siruganur Police Station,
Trichy District.



W.P(MD)No.17485 of 2015

6.The Inspector of Police,
Samayapuram Police Station,
Trichy District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 & 2 to take necessary action against the fourth respondent on the basis of the petitioner's representation dated 17.07.2015 within a time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1, R2 & R4

: Mr.A.Albert James
Government Advocate (Crl.)
for R3, R5 & R6

ORDER

Heard both sides.

2. The case of the petitioner is that he was illegally detained by the police personnel attached to Siruganur Police Station, Trichy District between 21.06.2015 to 23.06.2015 and that severe injuries were caused to him. The petitioner would allege that he sought admission in Government K.A.P. Medical College Hospital on 24.06.2015. The fourth respondent denied



W.P(MD)No.17485 of 2015

admission. Thereupon, the petitioner was constrained to give complaint before the Principal District Judge, Trichirappalli and only thereafter, on 25.06.2015, the fourth respondent admitted the petitioner. The petitioner gave complaint before the appropriate authorities for initiating disciplinary action against the fourth respondent.

3. The fourth respondent has filed counter affidavit denying allegations made by the writ petitioner. Dr.K.Subramanian who is presently holding the rank of Associate Professor, Government Medical College Hospital, Pudukkottai is present in person before this Court. He submitted that he was on leave on 24.06.2015 and that the allegations made against him are utterly false. He also produced the duty roster issued for the month of June in the fourth respondent Hospital. It is seen therefrom that on 24.06.2015, Dr.Raja Lakshmi and Dr.Kalpana and Dr.Manimaran were on duty and that he was on leave. The fourth respondent has also filed counter affidavit in this regard. The counter affidavit were served on the petitioner's counsel on 01.12.2015 itself. No rejoinder has been filed. It is seen that Dr.Subramanian rejoined duty on 25.06.2015 and it was he who admitted the petitioner and also noted down the injuries found on his body and referred him for further treatment.



W.P(MD)No.17485 of 2015

4. I am more than satisfied that the petitioner has come out with a false statement against the fourth respondent. I would have in normal circumstances imposed cost on the petitioner for having levelled false allegation against the fourth respondent. Since it appears that the petitioner has already undergone some suffering, I do not want to add to his misery by levying cost.

5. The Writ Petition is dismissed. No costs.

14.08.2023

Index : Yes / No
Internet : Yes/ No
rmi

To

- 1.The Principal Secretary,
State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat,
Fort St.George,
Chennai-9.
- 2.The Dean,
Government Ke.A.Pe.Medical College Hospital
(Government Annal Gandhiyadigal Memorial Hospital)
Trichy.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Tiruchirappalli District,
Tiruchirappalli.



W.P(MD)No.17485 of 2015

4.Subramaniyan

Doctor,

Government Ke.Aa.Pe.Medical College Hospital
(Government Annal Gandhiyadigal Memorial Hospital)
Trichy.

5.The Inspector of Police,
Siruganur Police Station,
Trichy District.

6.The Inspector of Police,
Samayapuram Police Station,
Trichy District.



WEB COPY



W.P(MD)No.17485 of 2015

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.17485 of 2015

14.08.2023