



W.P(MD)No.29270 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29270 of 2022

M.Nathiya

Vs.

... Petitioner

- 1.State of Tamil Nadu represented by
The Secretary to Government,
Home Department,
Secretariat, Chennai.
- 2.The State of Tamil Nadu rep. By
The Secretary,
Department of Health & Family Welfare,
Secretariat, Chennai.
- 3.The Dean
The Government General Hospital,
Trichy.
- 4.The Chief Doctor,
Government Head Quarters Hospital,
Manapparai, Trichy.
- 5.Mohanasundari
Government General Hospital,
Manapparai,
Trichy District.

... Respondents



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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 to 3 to consider the petitioner's representation dated 24.06.2022 and to take appropriate action against the respondents 4 & 5 for negligence on their part and direct the respondents to provide adequate compensation for the irreparable loss in the petitioner's life.

For Petitioner : Mr.M.Karthikeya Venkitachalapathy

For Respondents : Mr.G.Suriyananth
Additional Government Pleader for R1 to R4

: Mr.K.Govindarajan

for Mr.R.Murali for R5

ORDER

Heard the learned counsel on either side.

2. The petitioner alleges medical negligence on the part of the fifth respondent who delivered the petitioner's child. According to the petitioner, on account of the negligence of the fifth respondent, the child died and the petitioner also suffered injuries leading to removal of the uterus itself. Based on the complaint of the petitioner, enquiry was conducted. The copy of the enquiry report dated 10.01.2023 has been made available. The enquiry report exonerates the fifth respondent.



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3. Disputed facts have arisen for consideration before this Court. They cannot be resolved in writ jurisdiction. The petitioner has to necessarily move the jurisdictional civil Court for appropriate relief.

4. Leaving open all the contentions and remedies of the petitioner, the Writ Petition is disposed of. No costs.

01.02.2023

Index : Yes / No
Internet : Yes/ No
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To

1.The Secretary to Government,
Home Department,
Secretariat, Chennai.

2.The Secretary,
Department of Health & Family Welfare,
Secretariat, Chennai.

3.The Dean
The Government General Hospital,
Trichy.

4.The Chief Doctor,
Government Head Quarters Hospital,
Manapparai, Trichy.



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G.R.SWAMINATHAN, J.

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