



W.P(MD)No.27686 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

**DATED : 22.11.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.27686 of 2023**

**and**

**W.M.P(MD)Nos.23794 & 23795 of 2023**

M.Sabapathy

... Petitioner

**Vs.**

1.Union of India,  
Ministry of Health and Family Welfare,  
Koatla Road,  
New Delhi.

2.The National Medical Commission,  
Pocket – 14, Sector – 8,  
Dwarka Phase – 1,  
New Delhi – 110 077.

3.The Principal Secretary to the  
State of Tamil Nadu,  
Department of Medicine and  
Family Welfare,  
Secretariate,  
Chennai – 9.



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4.The Director of Medical and  
Rural Health Services,  
361, DMS Complex,  
Anna Salai,  
Chennai – 6.

5.Tamil Nadu Medical Council,  
No.914, Poonamalle High Road,  
Arumbakkam, Chennai,  
Tamil Nadu, India.

6.The District Collector,  
Virudhunagar District.

7.The Joint Director of Medical Health,  
Virudhunagar District.

8.The Joint Director of Medical Health,  
Tirunelveli District.

9.T.Selvakumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 8 to take appropriate action against the ninth respondent for medical negligence and consequently directing the ninth respondent to pay a compensation of sum of Rs.1,00,00,000/- (Rupees One Crore Only) to the petitioner or the sum fixed by this Court within the time stipulated by this Court.

For Petitioner : Mr.A.S.Abul Kalaam Azad



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For Respondents : Mr.K.Govindarajan  
Deputy Solicitor General of India  
for R.1 & R.2

Mr.C.Satheesh  
Government Advocate  
for R.3, R.4, R.6 to R.8

Mr.V.Ramesh  
Standing Counsel for R.5

### **ORDER**

Heard both sides.

2.The issue raised in the writ petition cannot be resolved in writ jurisdiction. If according to the petitioner, the ninth respondent had committed medical negligence, the remedy open to the petitioner is to go before the Consumer Commission. It is true that the limitation period is already over. But then, if sufficient cause is shown, the Consumer Commission can very well condone the delay after notice to the opposite party.



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3.Granted liberty to the petitioner to move before the Consumer

Commission, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**22.11.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
MGA

To

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4/6



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**G.R.SWAMINATHAN, J.**

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