



W.P(MD)No.28520 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28520 of 2023

M.Mumthaj

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Joint Director of Health Service,
Department of Health & Family Welfare,
Tirunelveli.

3.The Inspector of Police,
Junction Police Station,
Tirunelveli.

4.Ramasubramanian

... 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 to 2 to take appropriate action against the 4th respondent for negligence on their part and direct the respondents to provide adequate compensation for the irreparable loss of life of the petitioner's son by consider her representation dated 05.06.2023.

For Petitioner : Mr.M.Karthiekya Venkitachalapathy

For Respondents : Mr.M.Prakash



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Additional Government Pleader for R1 & R2
: Mr.A.Albert James
Government Advocate for R3

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for R1 & R2 and the learned Government Advocate for R3.

2. The petitioner alleges that there was medical negligence on the part of the fourth respondent. She wants this court to direct the official respondents to take action against the fourth respondent for payment of compensation. Determination of medical negligence in this case would involve going into disputed question of fact. Therefore, it is only just and proper that the petitioner moves the jurisdictional consumer forum. The petitioner is given liberty to move the jurisdictional consumer forum for appropriate relief. I make it clear that I have not gone into the merits of the matter.

3. Granting such liberty, the Writ Petition is disposed of. No costs.

04.12.2023

Index : Yes / No
Internet : Yes/ No
rmi



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- To
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Tirunelveli District,
Tirunelveli.
 - 2.The Joint Director of Health Service,
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 - 3.The Inspector of Police,
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G.R.SWAMINATHAN, J.

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