

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 33184 OF 2022

Between:

Smt.G.Sulochana, W/o.Late Shri M.Jagannath, Occ.Government Service,
R/o.D.No.1-8-151, Behind Aryavyshta Abhyudhaya Sangam, Prenderghast
Road, Secunderabad - 500003. State of Telangana.

...PETITIONER

AND

1. The State of Telangana, Rep.by its Principal Secretary, Medical and Health Department, Secretariat, Hyderabad.
2. The District Collector, Medchal-Malkajgiri District.
3. Esha Rahat Hospital, Begum Bazar, Hyderabad.
4. Princes Esra Hospital, Charminar, Hyderabad.
5. TX Hospitals, Uppal, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ of Mandamus or any other appropriate Writ or Order or Direction declaring the action of the Respondent Hospitals No.3, 4 and 5, in collecting abnormal fees and charges to a tune of Rs.23,74,117/- from the petitioner with undue influence, for treatment of her husband Mr.M.Jagannath, S/o.Shri M.Pocharam, who was suffering from Covid-19 and could not save the life of him and as such the inaction of the 2nd respondent is arbitrary, contrary to the provisions of the Medical and Health Act and Rules made therein and also the same is in violation of Principles of Natural Justice and Rule of Law and liable for refund of Hospital fees and charges paid by him to the extent deems fit and proper, in the interest of justice and equity and consequently direct the 2nd respondent to dispose of the application pending adjudication, following the norms as directed by the Hon'ble Court in a batch of Public Interest Litigations filed by different Petitioners, in the interest of justice and equity;

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to refund the Hospital fees and charges paid by the petitioner to the extent deems fit, proper and reasonable, in the interest of justice and equity, as otherwise, I will be put to severe loss and hardship;

Counsel for the Petitioner: SRI. SHAIK JEELANI BASHA

Counsel for the Respondent Nos 1 & 2: GP FOR MEDICAL HEALTH FW

Counsel for the Respondent No 3: SRI DESAPOGU NITIN

Counsel for the Respondent No 4: SRI P PANDU RANGA REDDY

The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.33184 OF 2022

ORDER:

The petitioner approached the Court seeking the prayer as follows:

"To issue Writ of Mandamus or any other any other appropriate Writ or Order or Direction declaring the action of the Respondent Hospitals No.3, 4 and 5, in collecting abnormal fees and charges to a tune of Rs.23,74,117/- from me with undue influence, for treatment of my husband Mr.M.Jagannath, S/o.Shri M.Pocharam, who was suffering from Covid-19 and could not save the life of him and as such the inaction of the 2nd respondent is arbitrary, contrary to the provisions of the Medical & Health Act and Rules made therein and also the same is in violation of Principles of Natural Justice and Rule of Law and liable for refund of Hosp[ital fees and charges paid by me to the extent deems fit and proper, in the interest of justice and equity and consequently direct the 2nd respondent to dispose of the application pending adjudication, following the norms as directed by the Hon'ble Court in a batch of Public Interest Litigations filed by different Petitioners, in the interest of justice and equity and pass such other order or orders as the

Hon'ble Court may deem fit and proper in the circumstance of the case."

2. It is represented by both learned counsel for the petitioner and learned counsel for the respondents that the writ petition could be disposed of directing the 2nd respondent to consider the petitioner's application dated 17.07.2021 duly examining the same on merits and pass appropriate orders.

3. **A bare perusal of the said application dated 17.07.2021 filed by the petitioner along with the affidavit filed in support of the present writ petition clearly indicates that the said application dated 17.07.2021 has been acknowledged by the Office of the Collector, Medhcal-Malkajgiri District, Telangana. A bare perusal of the said application dated 17.07.2021 indicates that the same is filed by the petitioner seeking the relief under National Disaster Relief Fund, where under, the petitioner sought for interim cash relief as per the guidelines issued by the Ministry of Home affairs, Government of India.**

4. Accordingly, the writ petition is disposed of directing the 2nd respondent to consider the petitioner

application dated 17.07.2021 in accordance to law and pass appropriate orders within a period of four (04) weeks from the date of receipt of copy of this order duly communicating the decision to the petitioner. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

SD/- T. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Medical and Health Department, Secretariat, State of Telangana, Hyderabad.
2. The District Collector, Medchal-Malkajgiri District.
3. Esha Rahat Hospital, Begum Bazar, Hyderabad.
4. Princes Esra Hospital, Charminar, Hyderabad.
5. TX Hospitals, Uppal, Hyderabad.
6. One CC to SRI. SHAIK JEELANI BASHA, Advocate [OPUC]
7. One CC to SRI. DESAPOGU NITIN, Advocate [OPUC]
8. One CC to SRI. P PANDU RANGA REDDY, Advocate [OPUC]
9. Two CCs to GP FOR MEDICAL HEALTH FW, High Court for the State of Telangana, Hyderabad. [OUT]
10. Two CD Copies

HIGH COURT

SN, J

DATED: 22/02/2023

ORDER

WP.No.33184 of 2022

**WP IS DISPOSED
OF WITHOUT COSTS**

