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W.P.No.9047 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.9047 of 2021 and
WMP.No.9587 of 2021

K.Meganathan

... Petitioner

Vs.

- 1.The Secretary to Government,
Public Health and Family Welfare,
Secretariat, Chennai 600 009
- 2.The District Collector,
Tirupur District,
Tirupur
- 3.The Sub Collector,
Tirupur District,
Tirupur
- 4.The Managing Director,
Hindustan Hospital,
Nava India Road,
Udaiyampalayam,
Coimbatore 641 028

5.Dr.S.Balakumar

6.Dr.M.Sivabalan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the first respondent to take necessary action against the fourth respondents hospital for violation of charges for treatment of Covid 19 patient Mrs.Pankajam, who is the wife of the petitioner herein as in-patient (No.2001014)



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admitted on 14.08.2020 (died on 28.08.2020) and directing the respondents 4 to 6 to repay the amount Rs.6,92,222/- with 10% interest to the petitioner from date of admission of petitioner's wife.

For Petitioner : Mr.S.Kolandasamy

For Respondents

For R1 to 3 : Mr.Tippu Sulthan,
Government Advocate

For R4 to 6 : No appearance

ORDER

This writ petition has been filed for direction to the first respondent to take appropriate action as against the fourth respondent for violation of charging excess amount during Covid 19 and also for direction to respondents 4 to 6 to repay the amount which was paid by the petitioner for his wife's treatment.

2. The petitioner's wife was suffered with breathing trouble and she was admitted in the fourth respondent's hospital on 14.08.2020 as in-patient and she was suspected to have been affected with Covid 19 and she was treated for the same. While admitting, the petitioner had paid



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Rs.5,00,000/- as an advance. However, the petitioner's wife died on 28.08.2020. Thereafter, the fourth respondent raised bill to the tune of Rs.6,92,222/-. Only after payment of the said bill, the body of the petitioner's wife was handed over to the petitioner.

3. Heard, the learned counsel appearing on either side.

4. On perusal of the death summary, revealed that the petitioner's wife died due to severe Covid pneumonia, systematic hypertension, acute pancreatitis, rheumatoid arthritis, hyperthyroidism and cardiac respiratory arrest. During Covid 19 pandemic circumstances, the first respondent issued certain guidelines with regards to treatment charges. The first respondent also issued Government order in GO.Ms.No.240 Health and Family Welfare (EAPI-1) Department dated 05.06.2020. The World Health Organization has declared the covid-19 pandemic as public health emergency of international concern and also categorised as a controllable pandemic. The Government of India as well as the Government of Tamilnadu have been taking various measures to



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combat covid 19 pandemic and notified the list of designated Government hospitals for treatment of covid-19 patients. Subsequently, considering the wide spread of corona virus disease in the State, the Government also had issued orders including a list of private Medical College Hospitals and Private Hospitals in the State for taking treatment to Covid 19 patients to prevent the spread of this communicable disease. While being so, the Government also noticed that large number of grievances are being received from various sources that private hospitals are charging exorbitant amount of money for treating the patients affected with corona. Therefore, the Government issued order thereby fixed fees for treatment as well as room charge in order to regulate the fees structure exorbitantly charged by the private hospitals.

5. Therefore, respondents 4 to 6 are directed to fix the fees as per the Government Order in GO.Ms.No.240 Health and Family Welfare EAP(1) Department dated 05.06.2020 and refund the excess amount collected from the petitioner within a period of four weeks from the date of receipt of copy of this order. If the excess amount collected from the



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petitioner is not paid to him, the District Collector, Coimbatore is directed to take appropriate action as against respondents 4 to 6 in accordance with law.

6. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

14.06.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To

- 1.The Secretary to Government,
Public Health and Family Welfare,
Secretariat, Chennai 600 009
- 2.The District Collector,
Tirupur District,
Tirupur
- 3.The District Collector,
Coimbatore District,
Coimbatore
- 4.The Sub Collector,
Tirupur District, Tirupur
- 5.The Managing Director,
Hindustan Hospital,
Nava India Road,



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G.K.ILANTHIRAIYAN, J.

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