



W.P.No.26436 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26436 of 2022
and
W.M.P. No. 25513 of 2022

Pradeep

... Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Secretary,
Health Department, Fort St.George,
Chennai – 600 009.
2. The Government of Tamil Nadu,
Represented by its Secretary,
Home Department, Fort St.George,
Chennai – 600 009.
3. The District Collector,
Thiruvallur District.
4. The State Medical Council,
No. 914, Poonamalle High Road,
Amaravathi Nagar, Arumbakkam,
Chennai – 600 106.



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5. The Dean,
Thiruvallur Medical College and Hospital,
Thiruvallur.

6. The Inspector of Police,
Thiruvallankadu Police Station,
Thiruvallur District.

7. Dr. Suriya Prabavathi

8. Manimala ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the fourth respondent to pay
a compensation of Rs. 1,00,000,00/- (Rupees One Crore only) for the
medical negligence resulting in the death of the petitioner's wife Vanitha.

For Petitioner : Mr. M.Arun

For Respondents : Mr. K.Tippu Sulthan,
Government Advocate
(for R1 to R3, R5 & R6)

Mr. S.Nedunchezhiyan (for R4)

No appearance (for R7 & R8)



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ORDER

This Writ Petition has been filed seeking compensation of Rs.1,00,000,00/- for medical negligence resulting in the death of the petitioner's wife.

2. Though the petitioner raised so many grounds in order to prove negligence on the part of the seventh and eighth respondents that has to be gone into fulfill in the trial to prove the same. Therefore, under Article 226 of the Constitution of India, this kind of claim cannot be considered. Hence, the petitioner sought for interim direction to serve the copy of the postmortem report of his wife.

3. Considering the above, the sixth respondent is directed to serve the copy of the postmortem report to the petitioner within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the petitioner is at liberty to file a suit for claiming compensation as against the concerned persons, if he is so advised.



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4. With the above directions, this Writ Petition is disposed of. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 21.09.2022, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petition is closed. No costs.

25.06.2024

Index:Yes/No
Neutral Citation/Yes/No
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To

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G.K.ILANTHIRAIYAN, J.

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