



WEB COPY



W.P.No.24651 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24651 of 2024

K.Dhamodharan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by the Secretary to Government,
Health and Family Welfare Department,
Fort St.George,
Chennai-600 009.

2.The Directorate of Medical Education,
Rep.by the Director of Medical Education,
162, Periyar E.V.R.High Road,
Kilpauk, Chennai-600 010.

3.The Government Kilpauk Medical College and Hospital (KMC),
Rep.by the Dean,
Poonamalle High Road,
Kilpauk, Chennai-600 010.

4.The Tamil Nadu Medical Council,
No.959/960, Poonamallee High Road,
Arumbakkam,
Chennai-106.

... Respondents



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(*R4 is suo motu impleaded by this Court vide order dated 23.08.2024 in W.P.No.24651 of 2024*)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to pay the compensation for the damages caused by the third respondent for the act of deliberate, negligence and wanton carelessness towards the petitioner (now two kidneys infected) within a stipulated time.

For Petitioner	:	Ms.T.Nithya
For Respondents	:	Mr.E.Sundaram Government Advocate for R1 to R3 Mr.U.Baranidharan for R4

O R D E R

This Writ Petition has been filed to direct the respondents to pay the compensation for the damages caused by the third respondent for the act of deliberate, negligence and wanton carelessness towards the petitioner within a time fixed by this Court.



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2. The learned counsel appearing for the petitioner submits that the petitioner is working as Conductor in Tamil Nadu State Transport Corporation and he felt shortness of breath and thereby, he was admitted in the third respondent hospital, however, the third respondent has given improper treatment to the petitioner and thereafter, the petitioner was admitted in another hospital and has taken treatment. After discharge, the petitioner has made a representation before the respondents requesting compensation for the damage caused by the third respondent Hospital towards him physically and mentally, however, no order was passed. Hence, the present writ petition has been filed.

3. The learned Government Advocate appearing for the respondents 1 to 3 submits that if any negligence has been committed by the third respondent Hospital, the petitioner has to make a complaint before the Tamil Nadu Medical Council, however, in the present case, the Tamil Nadu Medical Council is not impleaded as a party.



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4. In view of the submission made by the learned Government Advocate appearing for the respondents 1 to 3, the Tamil Nadu Medical Council, No.959/960, Poonamallee High Road, Arumbakkam, Chennai-106, is *suo motu* impleaded as respondent No.4 in this writ petition. The petitioner is directed to make a complaint before the newly impleaded fourth respondent within a period of two weeks from the date of receipt of a copy of this order and on such complaint being made by the petitioner, the fourth respondent shall conduct enquiry and pass appropriate orders within a period of eight weeks thereafter.

5. Accordingly, this Writ Petition is disposed of. No costs.

23.08.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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M.DHANDAPANI, J.

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