



W.P.No.27170 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.27170 of 2024

P.Abdul Hakkim

... Petitioner

Vs.

1.National Medical Council,
Pocket – 14, Sector – 8,
Dwarka, New Delhi – 110 077.

2.Tamil Nadu State Medical Council,
914, Poonamallee High Road,
Arumbakkam, Chennai – 600 010.

3.Secretary,
Health and Family Welfare Department,
Secretariat, Chennai – 600 009.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India
pleaded to issue a Writ of Mandamus, directing the 2nd respondent to
dispose of the petitioner's mother complaint dated 09.07.2024 in
T.No.2356 of 2024 within a stipulated time as fixed by this Court.

For Petitioner : Mr.C.V.Kumar



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For Respondents : Mrs.Shubharanjani Ananth
Standing Counsel [R1]
Mr.U.Baranidharan
Additional Government Pleader [R2]
Mr.E.Sundaram
Government Advocate [R3]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the 2nd respondent to dispose of the petitioner's mother complaint dated 09.07.2024 in T.No.2356 of 2024 within a stipulated time as fixed by this Court.

2. Mrs.Shubharanjani Ananth, learned Standing Counsel, accepts notice on behalf of the 1st respondent, Mr.U.Baranidharan, learned Additional Government Pleader, accepts notice on behalf of the 2nd respondent and Mr.E.Sundaram, learned Government Advocate, accepts notice on behalf of the 3rd respondent. In view of the consent expressed by the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that, on 23.12.2023, his mother



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Sithi Khathija suffered from severe abdominal pain and immediately, she was taken to Selvarangam Hospital situated at C54, 1st Main Road, Anna Nagar, Chindamani, Chennai – 600 002 and consulted Dr.Selva Kumar, who diagnosed her by perusing the reports of various tests and scans taken in Selvarangam Hospital and found it was a Proliferated Appendicitis and the said doctor advised the petitioner's mother that immediate surgery must be performed and for the same, the said hospital charged around a sum of Rs.3,76,037/-. After surgery, his mother was hospitalized for recovery, during the said period, Dr.Selva Kumar accompanied with Dr.Farhan and their team diagnosed and she was discharged on 29.12.2023. Dr.Farhan confirmed the petitioner and her mother that the wound has been healed and Dr.Selva Kumar use to check-up her mother health condition regularly and also when his mother visited in the month of January, 2024, Dr.Selva Kumar again reassured her that everything was fine and advised her to continue the medications. Despite the reassurances, he continued to experience severe pain and discomfort in her body and on 10.06.2024, she was advised to get admit in hospital to take few tests and scan including a whole body CT scan. In the said scan, it is found that advanced cancer had spread throughout her body and



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damaged her intestines and the cancer had progressed to stage four, for which, a surgery was performed on 13.06.2024, even then, her condition remained critical, thereby she was again advised to take another test. Because of the delayed diagnosis of cancer and treatment, she had a catastrophic impact on her health due to wrongful treatment and surgery done on her for all the earlier wrongful diagnosis. Therefore, she had given a representation dated 09.07.2024 before the respondents to take action against the Selvarangam Hospital Dr.Selva Kumar and Dr.Farhan and their licenses has to be cancelled and their name should be removed from the Indian Medical Council practitioner list for their professional negligence under the capacity of skilled professional. Pursuant to which, on 23.07.2024, she received a letter dated 18.07.2024 from the 2nd respondent directing her to send all related medical documents along with prescribed complaint format. In response to the same, she sent all her medical documents along with the complaint form on 03.08.2024 and the same was received by the 2nd respondent on 05.08.2024. Thereafter, there was no response or any action taken by the respondents till now and the petitioner's mother passed away on 25.08.2024 due to cardiac arrest because of the post chemo adverse effects. Hence, the petitioner has filed



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this Writ Petition before this court for appropriate orders.

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4. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the 2nd respondent to dispose of the petitioner's mother's complaint, dated 09.07.2024 in T.No.2356 of 2024, within a specified period.

5. Considering the limited request sought for by the learned counsel for the petitioner, this court, without going into the merits of the case, directs the 2nd respondent to consider the petitioner's mother's complaint dated 09.07.2024 in T.No.2356 of 2024 and pass appropriate orders, on merits and in accordance with law, after providing an opportunity of personal hearing to the petitioner as well as the said Selvarangam Hospital, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.



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Index : Yes / No
Speaking order / Non-speaking order
NCC:Yes/No
sp

To

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M.DHANDAPANI, J.

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