



WEB COPY



W.P.No.34270 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2024

CORAM:

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

W.P.No.34270 of 2022

T.Ilayaraja

... Petitioner

Vs.

- 1.The Principal Secretary to the Government,
Health Department,
Government of Tamilnadu,
Fort St.George,
Chennai
- 2.The Dean,
The Rajiv Gandhi Government General Hospital,
Chennai
- 3.The Dean,
The Government Multi Specialty Hospital,
Omandurar Estate,
Chennai
- 4.The Dean,
Institute of Child Health and Hospital for Children,
Egmore,
Chennai 600 008

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to suitably compensate the petitioner for the loss of life of his minor son Kaviarasan who died at the age of his 4 years because of medical negligence by injecting excess of dosage of anesthesia by considering the



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petitioner's representation dated 19.07.2019.

For Petitioner : Mr.S.Ganesh Kumar

For Respondents : Mr.K.Tippu Sulthan,
Government Advocate

ORDER

This writ petition has been for direction to the respondents to pay compensation for the loss of his minor son at the age of four years.

2. According to the petitioner, only because of the negligence on the part of the respondents, his minor son who was admitted into hospital, died.

3. Therefore, if there is any deficiency in service, the petitioner ought to have approached the consumer court for appropriate relief. That apart, the disputed question of facts cannot be gone into by this court under Article 226 of the Constitution of India. Therefore, the claim made by the petitioner cannot be maintained under this writ petition. As such, this writ petition is liable to be dismissed.

4. Accordingly, this writ petition is dismissed. However, the



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petitioner is at liberty to approach appropriate forum for seeking compensation in the manner known to law. There shall be no order as to costs.

28.06.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.



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