



WP(MD)No.15909 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.15909 of 2023

and

WMP(MD)Nos.14900 and 24909 of 2023

V.Dhandapani

.. Petitioner

Vs.

1. The State of Tamil Nadu Rep.,
by its Secretary to Government,
Health and Family Welfare Department,
Chennai-09.

2.The Director of Medical and Rural Health Services,
Chennai-06.

3.The District Collector,
Karur District.

4.The Joint Director for Health and Services,
Collectorate Campus, Karur.



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5.The Deputy Director of Health Services,
Collectorate Campus, Karur.

6.Sri Rathina Hospitals,
Represented by its Director,
Door No.1A, North Pradhakshanam Road,
Karur- 639 002.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 5 to take immediate action against the 6th respondent for having collected exorbitant amount towards treatment given to the petitioner for Covid 19 infection from 13.05.2021 to 21.05.2021 and from 25.05.2021 to 30.05.2021 and to arrange to reimburse the amount collected from the petitioner in excess by the 6th respondent hospital after deducting actual cost of the treatment as per the ceiling fixed by the Government of Tamilnadu in G.O.Ms.No.240 Health and Family Welfare (EAPI-1) Department dated 05.06.2020 and in G.O.Ms.No.280 Finance (Salaries) Department dated 24.06.2020 and also award suitable damages to the petitioner in the form of compensation by considering the petitioner's representation dated 24.12.2022 within the time limit



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that may be stipulated by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R1 to R5

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondents to take action against the 6th respondent for having collected exorbitant amount towards treatment given to the petitioner for Covid 19 infection from 13.05.2021 to 21.05.2021 and from 25.05.2021 to 30.05.2021 and disburse the same to the petitioner based on the petitioner's representation dated 24.12.2022 within the stipulated time.

2. Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 to 5.



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3. The learned counsel for the petitioner submitted that the petitioner had taken treatment at the 6th respondent hospital for the period between 13.05.2021 to 21.05.2021 and 25.05.2021 to 30.05.2021 as he was affected with COVID-19 infection. The grievance of the petitioner is that the 6th respondent hospital has collected excess amount for treatment beyond the ceiling fixed by the Government vide G.O.Ms. 240 Health and Family Welfare (EAPI-1) Department dated 05.06.2020. In the said Government Order at para No.6 clause (xii), it is stated as under:

“6.(i).....

.....

(xii) The cost per day for treatment of non critical COVID-19 cases for General Public at A1 and A2 grade private hospitals and A3 to A6 private hospitals is fixed as Rs.7,500/- and Rs.5,000/- respectively and for critical care COVID-19 cases at A1 to A6 private hospitals as Rs. 15,000/-”

4. The 6th respondent did not confine the above limit to collect the exorbitant amount from the petitioner. Despite the petitioner has made a complaint before the 4th respondent, so far no action has been taken against the 6th respondent hospital. Hence, this writ petition.



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5. However, the learned Special Government Pleader submitted that their enquiry revealed that the 6th respondent hospital has collected only the amount fixed by the Government in the said Government Order and the 6th respondent hospital has not collected any amount excessive thereof.

6. While making enquiry, the 4th respondent/Joint Director of Health Services, Karur, ought to have called both the hospital authorities as well as the petitioner who is the interested party. Despite the order states that the enquiry has been done in accordance with the said manner, the petitioner claims that he was not called upon to appear before the 4th respondent and make his submissions.

7. In view of the same, the writ petition is **allowed** and the 4th respondent is directed to conduct the enquiry as to the allegations made against the 6th respondent hospital by the petitioner by calling both the petitioner as well as the 6th respondent and allow them to produce the necessary documents and then pass necessary orders within a period of



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eight weeks from the date of receipt of a copy of this order. No Costs.

Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

NCC : Yes / No

PJL

To

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Health and Family Welfare Department,
Chennai-09.

2.The Director of Medical and Rural Health Services,
Chennai-06.

3.The District Collector,
Karur District.

4.The Joint Director for Health and Services,
Collectorate Campus, Karur.

5.The Deputy Director of Health Services,
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R.N.MANJULA, J.

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Order made in
W.P.(MD)No.15909 of 2023

Dated:
05.06.2024