



W.P.(MD)No.19037 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.19037 of 2022
and
W.M.P.(MD).No.13905 of 2022

Poonkodi

Vs

... Petitioner

- 1.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai - 600 004.
- 2.The Inspector General of Police,
Race Course Colony, Natham Road,
Madurai - 625 002.
- 3.The District Superintendent of Police,
Theni,
Theni District - 625 531.
- 4.The Deputy Superintendent of Police,
Andipatti Sub Division,
Theni District - 625 512.
- 5.The Inspector of Police,
Ka.Vilaku Police Station,
Theni District - 625 512.
- 6.The Thasildar,
Andipatti Taluk Office,
Theni District - 625 512.



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7.The Dean,

Theni Government Medical College Hospital,
Ka. Vilaku,
Theni, Theni District - 625 536

8.The Medical Officer,

Primary Health Centre,
Rajathani, Antipatti Taluk,
Theni District - 625 512.

9.The Principal Secretary to Government,

Health and Family Welfare Department,
Secretariat, St. George Fort,
Chennai-600 009.

10.The Dean,

Government Rajaji Medical College Hospital,
Madurai-625 020.

... Respondents

(Respondent Nos.9 & 10 are impleaded vide Order of this Court dated 19.09.2022 in W.M.P.(MD).No.14845 of 2022 in W.P.(MD).No.19037 of 2022)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing respondent Nos.1 to 5 to take legal appropriate action based on the petitioner's complaint dated 21.06.2022 and the subsequent representation dated 14.07.2022 and direct respondent Nos.1 to 3 to file periodic reporting of the progress of the investigation to this Court on the progress made in the investigation.

For Petitioner : Mr.R.Karunanidhi

For R-1 to R-10 : Mr.B.Nambiselvan,
Additional Public Prosecutor



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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing respondent Nos.1 to 5 to take legal appropriate action based on the petitioner's complaint dated 21.06.2022 and the subsequent representation dated 14.07.2022 and further direct respondent Nos.1 to 3 to file periodic reporting of the progress of the investigation to this Court on the progress made in the investigation.

2. The case of the petitioner is that the petitioner married one Pitchaikani and they blessed with three daughters and one son. The petitioner belonged to depressed community and his second daughter, viz., Kanimozhi, married one Suresh on 29.06.2012 and they blessed with two children. Subsequently, the said Kanimozhi again got pregnant and she delivered a male child on 08.06.2022 by way of caesarian in the seventh respondent Hospital and family planning operation was also done on the same day. During the surgery, her health condition was worsen and thereby, she shifted to General ward on 11.06.2022. The grievance of the petitioner is that due to improper treatment, the petitioner's daughter was



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died on 21.06.2022. The petitioner suspects that there was a medical negligence on the part of the Doctors, who gave treatment to the petitioner's daughter. Hence, the petitioner approached this Court for the above said Prayer.

3. The learned counsel appearing for the petitioner would submit that earlier this Court on 19.09.2022 directed respondent No.10 to constitute a Medical Team consisting of Professors and Heads of the Departments of Medicine, Obstetrics and Gynaecology, Anesthesiology and Cardiology and submit a report to this Court and accordingly, the matter was posted on 01.11.2022. Pursuant to this order, on 01.11.2022, the medical experts produced the report and they opined that the possible cause of death would be due to aspiration and pneumonia and drug anaphylaxis in a premorbid, compromised lung. However, the learned counsel appearing for the petitioner relied upon G.O.(Ms).No.301, Health and Family Welfare (H1) Department, dated 18.08.2020, wherein, the Corpus Fund created on the recommendations of Justice Maruthamuthu Committee for providing compensation awarded by the Courts in the cases filed against Government Doctor's for occurrence of medical mishaps. He



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would further submit that this Court may grant permission to the petitioner to make appropriate representation for claiming corpus fund for the death of the petitioner's daughter in view of the above said order.

4. The learned Additional Public Prosecutor appearing for the respondents would submit that the representation of the petitioner will be considered by the concerned District Level Committee and appropriate orders will be passed within a stipulated time.

5. In view of the above, without expressing any opinion on its merits, this Court permits the petitioner to make appropriate representation before the concerned District Level Committee for claiming Corpus Fund within a period of two weeks from the date of receipt of a copy of this order and on filing of such representation, the concerned District Level Committee is directed to pass appropriate orders within a period of six weeks thereafter in terms of G.O.(Ms).No.301, Health and Welfare (H1) Department, dated 18.08.2020 and G.O.(Ms).No.395, Health and Family Welfare Department, dated 04.09.2018.



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6. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.02.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

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Mylapore, Chennai - 600 004.

2.The Inspector General of Police,
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3.The District Superintendent of Police,
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- 6.The Thasildar,
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- 11.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

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