



W.P.(MD)Nos.19786 of 2020 and 12729 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)Nos.19786 of 2020 and 12729 of 2021
and
W.M.P.(MD)No.9915 of 2021

W.P.(MD)No.19786 of 2020

M.Kamala

... Petitioner

Vs.

1. The State of Tamil Nadu
represented 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,
Madurai District.
4. The Joint Director for Health and Services,
Usilampatti, Madurai District-625532.
5. The Deputy Director of Health Services,
Viswanathapuram,
Madurai – 625014.
6. Velammal Medical College Hospital
and Research Institute,



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represented by its Dean,
Velammal Village,
Anuppanadi,
Madurai District – 625009.

... Respondents

PRAYER in W.P.(MD)No.19786 of 2020 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 5 to take immediate action against the 6th respondent for having collected exorbitant amount towards treatment given to the petitioner's husband for treating COVID-19 between 01.07.2020 and 21.07.2020 and to arrange to reimburse the amount collected from her by the 6th respondent after deducting actual cost of the treatment as per the ceiling fixed by the Government in G.O.MS.No.240 Health and Family Welfare (EAPI-1) Department dated 05.06.2020 and also award suitable damages to the petitioner in the form of compensation by considering her representation dated 08.08.2020 within the time that may be fixed by this Court.

For Petitioner : Mr.Chandrasekar
for Mr.A.Rahul

For R1 to R5 : M/s.K.Christy Theboral
Additional Government Pleader

For R6 : Mr.L.Shaji Chellan

W.P.(MD)No.12729 of 2021

Velammal Medical College Hospital
and Research Institute,
represented by its Dean,
Velammal Village, Anuppanadi,
Madurai District – 625009

... Petitioner



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Vs.

1. The State of Tamil Nadu
represented by its Secretary to Government,
Health and Family Welfare Department,
Chennai-09.
 2. The Project Director,
Tamil Nadu Health Systems Project,
Chennai-06.
 3. The Director of Medical and Rural Health
Services,
Chennai-06.
 4. The Joint Director for Health and Services,
Usilampatti,
Madurai District-625532.
- ... Respondents

PRAYER in W.P.(MD)No.12729 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned orders issued by the first respondent in G.O.(MS)No.240 Health and Family Welfare (EAP I-1) Department, dated 05.06.2020 and G.O.(MS)No.251 Health and Family Welfare (EAP I-1) Department dated 22.05.2021, quash the same and consequently direct the respondents to re-fix the ceiling rates for the treatment of COVID-19 after taking into account of the expenditures incurred by the hospital during the pandemic period for the infrastructure, financial commitments, treatment and other facilities provided as a Super Speciality Hospital to



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COVID-19 patients and after consultation with stakeholders in a proper and fair manner.

For Petitioner : Mr.S.Mariappamurali

For Respondents : M/s.K.Christy Theboral
Additional Government Pleader

COMMON ORDER

The Writ Petition in W.P.(MD)No.19786 of 2020 has been filed for issuance of a Writ of Mandamus to direct the respondents 1 to 5 to take immediate action against the sixth respondent for having collected exorbitant amount towards treatment given to the writ petitioner's husband for treating COVID-19 between 01.07.2020 and 21.07.2020 and to arrange to reimburse the amount collected from the writ petitioner by the sixth respondent after deducting actual cost of the treatment as per the ceiling fixed by the Government in G.O.MS.No.240 Health and Family Welfare (EAPI-1) Department dated 05.06.2020 and also award suitable damages to the writ petitioner in the form of compensation by considering the writ petitioner's representation dated 08.08.2020 within the time that may be fixed by this Court.



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2. The Writ Petition in W.P.(MD)No.12729 of 2021 is directed against the orders dated 05.06.2020 and 22.05.2021 issued by the first respondent and for direction to the respondents to re-fix the ceiling rates for the treatment of COVID-19 after taking into account of the expenditures incurred by the hospital during the pandemic period for the infrastructure, financial commitments, treatment and other facilities provided as a Super Speciality Hospital to COVID-19 patients and after consultation with stakeholders in a proper and fair manner.

3. In W.P.(MD)No.19786 of 2020, when the matter is taken up for hearing today, the learned counsel appearing for the sixth respondent would submit that the writ petitioner herself has filed a reply affidavit stating that the sixth respondent has not complied with the direction of the fourth respondent in refunding Rs.4,57,031/- and that the said amount was paid subsequently and the same was received by the writ petitioner and he has also produced the copy of the letter dated 24.07.2021, wherein, cheque for Rs.4,57,031/- was received by the writ petitioner's counsel. At this juncture, the learned counsel appearing for the writ petitioner would submit that since the amount was paid, he may be



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permitted to withdraw this petition. Accordingly, the writ petition is dismissed as withdrawn. No costs.

4. In W.P.(MD)No.12729 of 2021, the learned counsel appearing for the writ petitioner would submit that in view of the above order passed in W.P.(MD)No.19786 of 2020, he may be permitted to not press this petition. Accordingly, the writ petition is dismissed as not pressed. Consequently, connected Miscellaneous Petition is closed. No costs.

18.06.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

To

1. The Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare Department,
Chennai-09.
2. The Director of Medical and Rural Health
Services,
Chennai-06.
3. The District Collector,
Madurai District.



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4. The Joint Director for Health and Services,
Usilampatti,
Madurai District-625532.

5. The Deputy Director of Health Services,
Viswanathapuram,
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K.MURALI SHANKAR, J

csm

Common Order made in
W.P.(MD)Nos.19786 of 2020 and 12729 of 2021
and
W.M.P.(MD)No.9915 of 2021

Dated : 18.06.2024