



W.P.(MD)No.23768 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.23768 of 2019

G.Murugan

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary,
Health and Family Welfare Department,
St. George Fort, Chennai.

2.The District Collector,
Ramanathapuram,
Ramanathapuram District.

3.The Superintendent,
Rural Health Service and
Family Welfare Department,
Ramanathapuram,
Ramanathapuram District.

4.The Medical Officer/In-charge Person,
Government District Quarters Hospital,
Ramanathapuram,
Ramanathapuram District.

5.The Medical Officer/In-charge Person,
Government Primary Health Centre,
Utchipuli,
Ramanathapuram District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to pay compensation to the petitioner on the basis of the representation dated 08.7.2019 within a stipulated time.



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For Petitioner : Mr.C.Senthil Murugan

For Respondents : M/s.Amjad Khan
Government Advocate for R1 to R3

ORDER

This writ petition has been filed for issuance of Writ of Mandamus directing the respondents to pay compensation to the petitioner on the basis of the representation dated 08.7.2019.

2.Heard Mr.C.Senthil Murugan, the learned Counsel appearing for the petitioner and M/s.Amjad Khan, the learned Government Advocate(Crl.side) appearing for R1 to R3. Carefully perused the materials available on record.

3.The petitioner's wife, namely, one Lakshmi was admitted in the fifth respondent Primary Health Centre on 09.05.2019 for delivery. However, the fifth respondent Primary Health Centre directed the petitioner to take her to the fourth respondent hospital. In the fourth respondent hospital, the Medical Officer without rendering proper medical service had made the petitioner's wife to suffer and finally informed that the child and mother died.

4.Hence, the petitioner made a representation on 08.07.2019, requiring the respondents to pay compensation for the death of his wife and still born child for the medical negligence committed by the Medical Officers of the fourth and fifth respondent hospital. Since the same has not been considered, the present writ petition has been filed.



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5.It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6.Considering the limited scope of relief sought for in the prayer by the writ petitioner, this Court direct the respondents to consider the representation of the writ petitioner dated 08.07.2019 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

7.With the above said directions, this writ petition stands allowed. No costs.

11.11.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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To

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Health and Family Welfare Department,
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2.The District Collector,
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Ramanathapuram District.

3.The Superintendent,
Rural Health Service and
Family Welfare Department,
Ramanathapuram,
Ramanathapuram District.

4.The Medical Officer/In-charge Person,
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5.The Medial Officer/In-charge Person,
Government Primary Health Centre,
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L.VICTORIA GOWRI, J.

RJR

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