



W.P.(MD)No.24478 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.24478 of 2024

S.Sivaranjani

...Petitioner

Vs.

1.The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-9.

2.Director General of Police/Director General of Jails,
Tamil Nadu Prison Department,
Whannels Road, Ansari Estate,
Egmore, Chennai-8.

3.The Superintendent of Prisons, Central Prison,
Central Prison,
Trichy.

4.The Superintendent of Police,
Thanjavur SP Office,
Thanjavur District.

5.The Inspector of Police,
Taluk Police Station Kumbakonam,
Thiruvudaimaruthur,
Thanjavur District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the representation dated 13.10.2024 and to transfer the petitioner's husband Iyyar @ Sakthivel, S/o.Rajendran from Government Hospital to any private hospital for medical treatment and quash illegal detention and release him from custody.

For Petitioner : Mr.A.Senthilkumar

For Respondents : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

ORDER

The Writ Petition has been filed seeking orders to direct the respondents to consider the representation dated 13.10.2024 and to transfer the writ petitioner's husband Iyyar @ Sakthivel, S/o.Rajendran from Government Hospital to any private hospital for medical treatment and quash illegal detention and release him from custody.

2. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) appearing for the respondents has produced the reports submitted by the Dean of Mahatma Gandhi Memorial Government Hospital, Trichy, wherein, the Assistant Professor, Department of Orthopaedics, K.A.P.V. Govt. Medical College M.G.M.



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Govt. Hospital, Trichy has given a report stating that the patient was admitted on 16.10.2024, that on examination, patient was found to have single sutured wound over middle anterior aspect of right leg which was healthy, non edematous, non erythematous with bony tenderness and X ray showed undisplaced middle 1/3rd shaft of right tibia fracture, that since the wound was healthy and fracture was undisplaced, patient was planned for conservative management with above knee cast with window and that patient blood pressure, pulse rate and respiratory rate were normal and he was discharged with above knee cast with window and he was advised not to put weight on the injured limb for four weeks and prescribed for oral antibiotics. Moreover, the Doctor has given specific opinion that at present, patient does not need surgical management (operative management) and that they have also enclosed the X ray photo of the writ petitioner's husband.

3. But the learned counsel appearing for the writ petitioner would insist that the writ petitioner's husband may be taken to private hospital and they are ready to bear expenses. Bearing expenses by itself is not a ground to transfer the patient from Government Hospital to any private hospital when treatment is available in the Government Hospital. The



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learned counsel appearing for the writ petitioner would also insist for surgery.

4. But as already pointed out, the concerned Doctor has given opinion that at present patient does not need surgery for the said fracture. If the writ petitioner is insisting for surgery, they are at liberty to give a representation before the Superintendent, Central Prison, Trichy and on such representation, the Superintendent, Central Prison, Trichy, is directed to forward the same to the Dean of Mahatma Gandhi Memorial Government Hospital, Trichy and on receipt of the same, the Dean of Mahatma Gandhi Memorial Government Hospital, Trichy is directed to consider the same and take a decision within a period three days from the date of receipt of the representation.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

17.10.2024

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

csm

Note : Issue order copy today (19.10.2024)



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To

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- 5.The Inspector of Police,
Taluk Police Station Kumbakonam,
Thiruvaidaimaruthur,
Thanjavur District
- 6.The Dean,
Mahatma Gandhi Memorial Government Hospital,
Trichy.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J

csm

Order made in
W.P.(MD)No.24478 of 2024

Dated : 19.10.2024