

07-04-2025
Item No.23 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.505 of 2025
Kaushik Ganguli & Anr.

-vs-

Union of India & Ors.

Mr. Suman Kumar Dutt
Ms. Monica Jaiswal
Mr. Bhaskar Mukherjee
Ms. Deblina Banerjee
Ms. Debjani Ghosh ...for the petitioners

Mr. Anjan Chakraborty
Sk. Md. Wasim Akram
Ms. Avantika Chakraborty ...for the Union of India

Mr. Jayanta Samanta
Mr. Kaz Sajjad Alam ...for the State

Mr. Saibalendu Bhowmick
Mr. Biplab Guha ...for WB Medical Council

Mr. Deepan Kumar Sarkar
Mr. B. Kumar
Mr. I. Basu ...for the hospital

1. The petitioners are aggrieved by the act of Apollo Gleneagles Hospital in not handing over the medical records of one Late Ms Barsha Ganguli who was admitted and treated in the hospital and breathed her last in the hospital on October 13, 2022. The medical records sought for by the petitioners are the bed head tickets, all investigations/test reports, OT records, all drug/other therapies used on the patient during her treatment.
2. The first petitioner claims to be the executor of the Will of the deceased. Copy of the probate

passed in PLA No.173 of 2023 produced before this court is taken on record.

3. Learned counsel for the petitioners submits that the documents sought for from the hospital will be required for furnishing the accounts in connection with the probate.
4. It appears that the petitioners are yet to forward a copy of the probate to the hospital.
5. It will be open for the petitioners to approach the subject hospital with the probate.
6. The hospital, on receipt of the probate, will hand over the documents of the deceased to the first petitioner within three weeks from the date of approach.
7. The writ petition is disposed of.
8. As the writ petition is disposed of without calling for any affidavits, the allegations contained in the writ petition are deemed not to have been admitted by the respondents.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

