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WP No. 19756 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-10-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 19756 of 2024
and WMP Nos. 21631 and 21634 OF 2024**

V.N Kasthuri Priya

Petitioner(s)

Vs

1. The Chairman
Employees State Insurance Corporation,
Union Ministry For Labour And Employment And
Environment, Forest And Climate Change,
Government Of India, Shram Shakti Bhawan Marg,
New Delhi-110 001

2.The Director General
Employees State Insurance Corporation,
Panchdeep Bhawan, C.I.G.Marg,
New Delhi-110 001

3.The Chairman, National Medical Commission,
Pocket 14, Sector 8, Dwarka,
New Delhi-110077.

4.The President
Tamilnadu Medical Council
914, Poonamalle High Road,
Amaravathi Nagar, Arumbakkam,
Chennai-600 106

5.The Dean
Esi Medical College And Hospital,
Ashok Pillar Main Road, K.K.Nagar,
Chennai-600 078

6.Prof.Dr.Chavan Kalidas Dattatraya, Dean
ESI Medical College And Hospital, Ashok Pillar
Main Road, K.K.Nagar, Chennai-600 078



7.Dr.P.N.Shanmuga Sundaram
Professor and Head of the Department
(General Surgery), ESI Medical College And
Hospital, Ashok Pillar Main Road, K.K.Nagar,
Chennai-600 078

8.Dr.Pankaj Surana
ESI Medical College And Hospital,
Ashok Pillar Main Road, K.K.Nagar,
Chennai-600 078.

9.Dr.Nagarjuna
ESI Medical College And Hospital,
Ashok Pillar Main Road, K.K.Nagar,
Chennai-600 078.

10.Dr.Sai
Esi Medical College And Hospital,
Ashok Pillar Main Road, K.K.Nagar,
Chennai-600 078.

Respondent(s)

PRAYER; This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 5th respondent to pay a provisional compensation to the tune of Rs.20,00,000/-(Rupees Twenty Lakh only) for the gross and negligent acts of the 6th to 10th respondents in treating the petitioner by considering her representation dated 1.4.2024.

For Petitioner(s):	Ms.S.Varsha
For Respondent(s):	M/s. K.S. Jeyaganeshan, SPC
	For R1
	M/s. U.Baranidharan,
	Standing counsel For R4
	Mr.Ramachandramurthy,
	R2, 5 to 10

**ORDER**

This petition has been filed seeking a direction to the 5th respondent to pay a provisional compensation to the tune of Rs.20,00,000/-(Rupees Twenty Lakh only) for the gross and negligent acts of the 6th to 10th respondents in treating the petitioner by considering her representation dated 1.4.2024.

2. It is the case of the petitioner that in the year 2023, the petitioner felt severe and continuous pain in her stomach and she was immediately taken to the 5th respondent hospital for diagnosis on 24.08.2023. After the ultra scan, the petitioner was informed that the severe and continuous stomach pain is due to the presence of a stone and it was also informed that a stone of a width of around 1 cm. Has been identified in her gallbladder area. On 31.08.2023, the petitioner was advised to undergo a Laproscopic Cholecystectomy surgery. The petitioner had admitted on 04.09.2023 in the 5th respondent hospital for surgery. Subsequently it was informed by the 8th respondent that the Gallbladder had been removed successfully. Pursuant to the surgery, a drainage pipe had been inserted in the stomach area of the petitioner and it was informed that a drainage leakage is a common problem and it will reduce shortly. However, the same did not reduce as advised by the Doctor. Thereafter, the petitioner admitted in various hospital for treating the leakage of a drainage pipe in the stomach area and informed that the petitioner body is not cooperating for the treatment. Due to which, the petitioner has affected by jaundice and bile duct injury.



Subsequently, the petitioner underwent surgery and discharged from hospital on 16.10.2023 from the Med India Hospitals, Chennai. The petitioner has been put to all these traumas only because of the negligent act of the 5th to 10th respondents and they are liable to compensate the petitioner in this regard. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that this Court may direct the respondents to consider and pass orders on the petitioners representation within the stipulated time as fixed by this Court.

4. The learned counsel appearing for the second respondent submitted that based on the complaint, an expert committee was formed by the second respondent and the representation of the petitioner will be considered and appropriate orders will be passed within the stipulated time as fixed by this Court.

5. Heard the learned counsel for both side and perused the materials available on record.

6. Considering the facts and circumstances of the case and in view of the limited request sought for by the petitioner, this court directs the second respondent to consider and pass orders on the petitioner's representation dated 01.04.2024 within a period of eight weeks from the date of receipt of a copy of



this order. The petitioner is directed to produce all the records before the expert committee.

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7. With the above directions, the writ petition is disposed of.
Consequently, connected miscellaneous petition is closed. No costs.

22-10-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.The Chairman

Employees State Insurance Corporation, Union
Ministry For Labour And Employment And
Environment, Forest And Climate Change,
Government Of India, Shram Shakti Bhawan Marg,
New Delhi-110 001

2.The Director General

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