



WEB COPY



W.P.No.22263 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2025

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THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.22263 of 2025

S.Gomathy

.. Petitioner

Vs.

1.The Registrar

The Tamil Nadu Medical Council

No.959 & 960 Poonamallee High Road

Chennai 600 084

2.Dr.Muruga Sundari Pandian

3.Dr.Kabilan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to consider the petitioner's representation dated 12.01.2025 and 22.02.2025 in pursuant to reference No.TNMC/T.No.0293/2025 dated 27.01.2025 on the file of the 1st respondent thereby taking necessary action against the errant doctors viz., the respondents 2 and 3.



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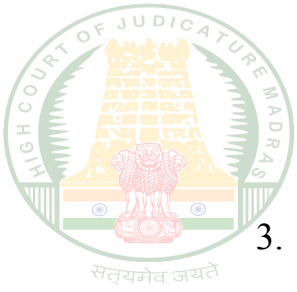
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For Petitioner : Mr.B.Manimaran
For 1st Respondent : Mr.U.Baranidharan
Standing Counsel

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 1st respondent to deal with the representations made by the petitioner on 12.01.2025 and 22.02.2025, wherein the petitioner has sought for taking action against the respondents 2 and 3, who are doctors and because of whose negligence, the petitioner lost her husband.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the 1st respondent and perused the materials placed on record.



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3. It is seen that the petitioner has alleged that her husband's demise was purely due to the negligence of the 2nd and 3rd respondents, who are the doctors working in a private hospital.

4. The learned counsel for the petitioner submitted that already a legal notice has been issued seeking compensation and steps are being taken for appropriate action against the hospital as well as the doctors.

5. In the considered view of this Court, the negligence of the doctors will have to be first established before a competent forum. If ultimately, on appreciation of evidence, the forum comes to a conclusion that there was negligence on the part of the doctors, that will be a valid ground for the petitioner to approach the 1st respondent and seek for taking action against the respondents 2 and 3. Till this stage is reached, the 1st respondent cannot parallelly deal with the complaint. There is another flip side for the petitioner and that is, if the



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1st respondent ultimately hold that there was no negligence on the part of the doctors viz., respondents 2 and 3, the chance of the petitioner getting compensation before competent forum will also be jeopardised.

6. Considering the interest of the petitioner, this Court directs the petitioner to work out her remedy before the competent forum seeking for compensation on the ground of negligence on the part of the doctors. If ultimately, it is held that there was negligence on the part of the doctors, it is left open to the petitioner to approach the 1st respondent to seek for necessary action. Except giving this clarity, no further orders can be passed in this writ petition.

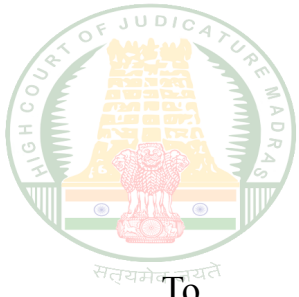
With the above observation, this writ petition is disposed of. No costs.

23.06.2025

Index : Yes/No

Neutral Citation : Yes/No

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N. ANAND VENKATESH, J.

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