



W.P.No.33811 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33811 of 2025

Elaiyaperumal

... Petitioner

Vs

1.Head of the Department,
Department of Orthopedics,
IGGGH & PGI,
Pondicherry.

2.The Medical Superintendent,
IGGGH & PGI,
Pondicherry.

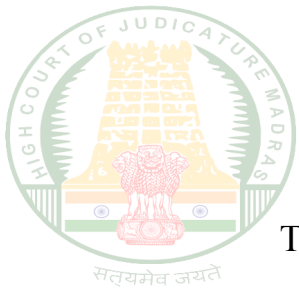
... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondents to pay a compensation of Rs.2,00,00,000/- (Rupees Two Crores only) to the Petitioner on account of financial loss, shock and suffering, mental agony, pain and sufferings consequent to the negligence in performance of the surgery done by the Respondents with interest at the rate of 18% per annum from the date of surgery till realization.

For Petitioner : Mr.K.S.Karthik Raja

For Respondents : Mrs.V.Usha,
Additional Government Pleader (Puducherry)

ORDER



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The present Writ Petition has been filed seeking a direction to the respondents to pay a compensation to the petitioner towards the loss sustained by the petitioner due to amputation of his right leg.

2. Mrs.V.Usha, learned Additional Government Pleader (Pondicherry) takes notice on behalf of the respondents.

3. It is the case of the petitioner that he met with a road accident on 04.11.2021 due to which, he sustained grievous injuries on his right leg and simple injuries all over his body. Thereafter, he was taken to the respondent hospital. However, due to the improper treatment given by the doctors therein the petitioner's right leg was amputated. Aggrieved by which, the petitioner sent a legal notice to the respondents claiming compensation towards the loss incurred by him, however, the said claim was rejected by the respondents by way of a reply notice. In this regard, the petitioner preferred a complaint before the State Consumer Disputes Redressal forum for compensation, however, the same was returned as the said complaint is not maintainable. Left with no other remedy, the petitioner has come up with the present Writ Petition.



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4. Learned counsel for the petitioner submits that it is purely because of the negligence on the part of the duty doctor, the petitioner had lost his leg for which, the respondents are liable to pay the compensation to the petitioner towards the loss incurred by him.

5. On the above contention, this Court heard the learned Additional Government Pleader (Puducherry) for the respondents.

6. It is the case of the petitioner that he had lost his leg due to the improper treatment given by the duty Doctor who was at the respondent hospital for which, the petitioner claims compensation. However, it is to be pointed that this Court is not an expert body to determine as to whether the act of the doctor at the respondent hospital is the cause for the amputation of the petitioner's leg which amounts to medical negligence and the same cannot be adjudicated by this Court and the proper course open for the petitioner would be to approach the Medical Council of India by filing appropriate complaint.

M.DHANDAPANI, J.

Nhs



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7. For the reasons aforesaid, this Writ Petition stands disposed of directing the petitioner to approach the Medical Council of India by filing appropriate complaint along with a copy of this order and if any such complaint is filed, the concerned authority shall consider the same and pass appropriate orders in accordance with law as expeditiously as possible. There shall be no order as to costs.

09.09.2025

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

Nhs

To

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IGGGH & PGI,
Pondicherry.

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