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W.P.No.36848 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.36848 of 2025

J.Janakiraman

... Petitioner

Vs

1.The Director of Medical Services,
D.M.S.Office, Teynampet,
hennai-600018.

2.Dr.Gopalakrishnan,
(Ortho), Apollo Hospital,
Alwarpet, Chennai-600 018.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to to direct the 1st respondent to consider the petitioner's representation dated 10.02.2025, consequently direct the 1st respondent to conduct fair by in person enquiry of Chairman of the Apollo Hospital and 2nd respondent along with the petitioner about wrong limb-lengthening surgery to the petitioner's son left side leg by the 2nd respondent.

For Petitioner : Ms.C.S.Rajalakshmi

For Respondents : Mr.E.Sundaram,
Government Advocate
for R-1



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ORDER

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This Writ Petition has been filed seeking a direction to the 1st respondent to consider the petitioner's representation dated 10.02.2025 and consequently, direct the 1st respondent to a fair enquiry with regard to the negligence on the part of the 2nd respondent in performing the surgery to the petitioner's son.

2. Mr.E.Sundaram, learned Government Advocate takes notice on behalf of the 1st respondent.

3. Since no adverse order is being passed as against the 2nd respondent, notice to the 2nd respondent is dispensed with.

4. It is the case of the petitioner that based on the publication of an interview in a monthly magazine namely 'Udavikaram', the petitioner's son was admitted in the 2nd respondent hospital and had underwent limb lengthening surgery on his left leg. However, due to the improper and negligent treatment given in the 2nd respondent hospital, the petitioner's son has suffered permanent disability in his left leg. Aggrieved by which, the petitioner had addressed a detailed representation dated 30.08.2017 to the 1st respondent requesting to



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conduct an enquiry with regard to the aforesaid. Since the same was not considered, the petitioner had once again submitted a representation dated 10.02.2025 to the 1st respondent requesting to conduct an enquiry with regard to the medical negligence which was committed by the 2nd respondent hospital. However, the same has not been considered so far. Hence, the present Writ Petition.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice, if this Court issues a direction to the 1st respondent to conduct a fair enquiry with regard to the medical negligence committed by the 2nd respondent hospital based on the petitioner's representation dated 10.02.2025 and pass orders on the same within the time that may be stipulated by this Court.

6. Learned Government Advocate appearing for the 1st respondent submitted that the petitioner's representation dated 10.02.2025 will be considered and appropriate orders will be passed.

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WEB COPY 7. In view of the aforesaid submissions, this Court without expressing any

opinion on the merits of the case, directs the 1st respondent to consider the petitioner's representation dated 10.02.2025 and pass appropriate orders on the same in accordance with law within a period of twelve(12) weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner as well as the 2nd respondent hospital.

8. This Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs.

16.09.2025

Index: Yes/No

Internet: Yes

Speaking/Non-Speaking order

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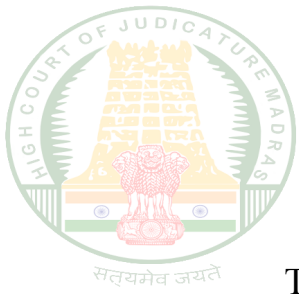
To

The Director of Medical Services,
D.M.S.Office, Teynampet,
hennai-600018.

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This matter has been listed under the caption “For being mentioned” at the instance of Registry.

2. It is brought to the notice of this Court that though order was passed on 26.09.2025 in W.P.No.36848 of 2025 however, inadvertently in the causetitle, in the signature portion as well as in the docket sheet, a typographical error has occurred wherein, the date has been mentioned as 16.09.2025. Similarly, though Ms.C.S.Rajalakshmi, legal aid counsel who appeared for the petitioner however, her status has inadvertently been omitted to be typed in the appearance portion and therefore, it is prayed that necessary modification may be made to the order dated 26.09.2025.

3. Learned counsel appearing on either side fairly concedes to the above said errors pointed out by the Registry. In such view of the matter, the date in the causetitle, the signature portion as well as in the docket sheet shall read as 26.09.2025 instead of 16.09.2025 and the status of Ms.C.Rajalakshmi in the appearance portion shall be shown as legal aid counsel.

4. Registry is directed to make necessary modifications in the aforesaid order and issue fresh order copy to the parties.

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