



W.P.No.5744 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 19.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.5744 of 2025

M.D.ANBARASU

... Petitioner

Vs

1. THE CHAIRMAN,
TAMILNADU MEDICAL COUNCIL,
NO. 959 & 960,
POONAMALLEE HIGH ROAD,
MUTHUKUMARAN NAGAR,
PURASAIWALKAM,
CHENNAI - 600 084.

2. THE CHAIRMAN,
APOLLO HOSPITALS,
GREAMS LANE, NO. 21, GREAMS ROAD,
THOUSAND LIGHTS, CHENNAI - 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, to direct the first respondent to dispose of the petitioner's representation dated 23.10.2024.

For Petitioner : Mr.S.Illamvaludhi

For R1 : Mr.U.Bharanidharan
Standing Counsel



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ORDER

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2. In view of the nature of the relief prayed for and the order that is passed, this writ petition is disposed of at the admission stage itself, without notice to the second respondent. The said exercise is resorted to because the rights of both the petitioner and the second respondent are not at all decided in this writ petition.

3. The case of the writ petitioner is that his wife underwent treatment in the second respondent's hospital. During the treatment, the petitioner claims that there was professional misconduct on account of which the condition of the petitioner's wife got worsened and led to additional expenses. Furthermore, the petitioner's wife is suffering gravely as of today. In this regard, the petitioner has made a representation.



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4. On a perusal of the representation, it is clear that the petitioner is seeking two forms of relief. The petitioner requests action from the first respondent council for the professional misconduct and also prays for damages.

5. When the Court pointed this out, the learned Standing Counsel appearing for the first respondent submitted that as far as the damages are concerned, it would be open for the petitioner to approach the appropriate forum under the Consumer Protection Act. He will now press the representation only with respect to the professional misconduct.

6. With reference to the professional misconduct, the learned Standing Counsel appearing on behalf of the first respondent submits that they have received the complaint dated 23.10.2024. In order to prima facie satisfy themselves before issuing any notice to the second respondent, they issued a letter on 04.11.2024 to the petitioner, requesting further documents and records to substantiate the allegations. Only after looking into the same and if they are prima facie satisfied, they will issue a notice to the appropriate



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hospital/doctor, take action and conduct an enquiry in the manner known to

law. It is made clear that none of the rights of the parties are decided in this

writ petition. As the first respondent has represented that they are considering

the matter, this writ petition is disposed of on the following terms:

(i) In view of the said letter dated 04.11.2024, the petitioner shall forward all the records to substantiate the claim within two weeks from the date of receipt of the web copy of the order, without waiting for the certified copy of the order.

(ii) Thereafter, the enquiry into the complaint shall be completed within six months and an order shall be passed in accordance with the law.

(iii) No costs.

19.02.2025

Neutral Citation: Yes/No
nsl



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To
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D.BHARATHA CHAKRAVARTHY, J.

nsI

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