



W.P.No.1907 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 20.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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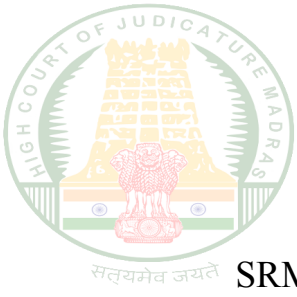
David.J

.. Petitioner

Versus

1. The state of Tamil Nadu,
Rep by the Secretary to Government,
Department of Health and Family Welfare,
Fort St. George,
Chennai - 600 009.
2. The National Medical Council,
Satarka Bhawan, G.P.O. Complex,
Block-A, INA,
New Delhi - 110 023.
3. The Medical Director,
Dr.Rela Institute and Medical Centre,
Chrompet,
Chennai - 600 044.
4. SRM Medical College & Hospital
Research Centre,

<https://www.mhc.tn.gov.in/judis>



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SRM Nagar, Potheri village,
Katangkulathur - 603 203.

5. SRM Global Hospital,
Mahatma Gandhi Road,
SRM Nagar, Potheri village,
Katangkulathur - 603 203.

6. Dr.Yogashalini

7. Institute of Child Health Care,
Government Children Hospital & Research Centre,
Egmore,
Chennai - 600 008.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus and to direct the 1st and 2nd respondents herein to give appropriate medical attention to the petitioner wife to cure deficiency in her platelets and to accord her further necessary treatment and further direct the respondents to pay a provisional compensation of Rs.50 lakhs to the petitioner for the hardship and mental agony suffered by the petitioner family as a result of the negligence of the 3rd, 4th, 5th, 6th in performing child delivery which resulted in the death of the child and necessary action to be taken against the 3 to 6 respondents for their negligence act.



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For Respondents : Mr.K.Tippu Sulthan,
Government Advocate,
for RR-1 and 7

: M/s.Shubharanhani Ananth,
Standing Counsel for R2

: Mr.P.Raja, for R3

: Dr.V.Venkatesan, for RR-4 and 5

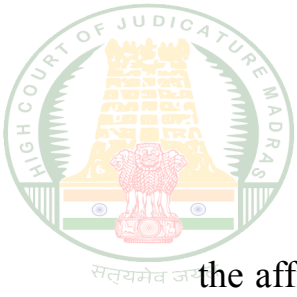
: No appearance - R6

ORDER

This Writ Petition is filed for the following prayer:-

"Writ of Mandamus and to direct the 1st and 2nd respondent herein to give appropriate medical attention to the petitioner wife to cure deficiency in her platelets and to accord her further necessary treatment and further direct the respondents to pay a provisional compensation of Rs.50 lakhs to the petitioner for the hardship and mental agony suffered by the petitioner family as a result of the negligence of the 3rd, 4th, 5th, 6th in performing child delivery which resulted in the death of the child and necessary action to be taken against the 3 to 6 respondents for their negligence act."

2. Upon hearing of the learned Counsel for the petitioner and perusing



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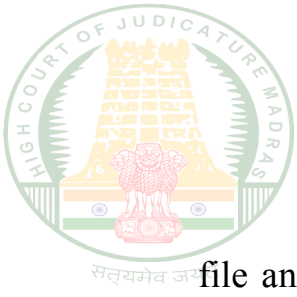
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the affidavit filed in support of the Writ Petition and material records of the

case, the grievance of the petitioner is against the respondent Nos.3 and 4.

He is claiming that no proper treatment was given resulting in certain medical complications which resulted in death of the child. The contention of the petitioner is that no proper treatment is given and there is negligence.

3. If the petitioner contends that there is criminal negligence, the petitioner is entitled to give a complaint before the appropriate law enforcement agency and depending on the facts and circumstances of the case, after conducting a preliminary enquiry, a criminal case will be registered with reference to criminal negligence. With reference to professional negligence or misconduct, the petitioner has to make a complaint to the State Medical Council and it is for the said Council to conduct an enquiry after issuing notice to the appropriate Doctors and to decide whether there is any professional misconduct/negligence and it will impose appropriate punishment and the parties, whoever is aggrieved, can



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file an appeal before the National Medical Council, the second respondent herein. If the petitioner prays for compensation, then, he has to approach the appropriate Consumer Fora under the Consumer Protection Act, 2019 since the grievance is expressed against the private hospitals.

4. Therefore, keeping open the liberty of the petitioner to approach for such remedies as may be permissible under law, this Writ Petition is disposed of. There shall be no order as to costs.

20.03.2025

Neutral Citation : no
grs

To

1. The Secretary to Government,
Department of Health and Family Welfare,
Fort St. George,
Chennai - 600 009.

2. The National Medical Council,
Satarka Bhawan, G.P.O. Complex,
Block-A, INA,
New Delhi - 110 023.

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3. The Medical Director,
Dr.Rela Institute and Medical Centre,
Chrompet,
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