



WEB COPY

WP No. 43591 of 2025



**IN THE HIGH COURT OF JUDICATURE AT MADRAS
IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 14-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 43591 of 2025

M.Kavitha

Petitioner(s)

Vs

1.The National Medical Commission
Rep. by its Secretary,
Pocket – 14, Sector – 8,
Dwarka Phase – 1,
New Delhi – 110 077.

2. The President,
Tamil Nadu Medical Council,
No.914, Poonamallee High Road,
Arumbakkam, Chennai – 600 106.

3.Chief Medical Officer,
Ponneri Government Hospital,
Taluk Office Road,
Ponneri – 601 204.

4.Dhivya Kumar,
General Surgeon,
D.G.O. Assistant Professor,
Madras Medical College,
Chennai.

Respondent(s)

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 1 to 2 respondents to consider the representation of the petitioner dated 15.12.2023 and 16.09.2024,



and take immediate action against the 3rd Respondent hospital and the 4th respondent, for their professional misconduct and further direct the respondent no.4 to pay compensation for the sufferings of the petitioner.

For Petitioner: Ms.Aarti R.Mundhra
For Respondent: Mrs.Shubharanjani Ananth
for R1
Mr.U.Bharanidharan,
Standing Counsel for R2
Mr.E.Sundaram,
Government Advocate for R3

ORDER

This writ petition has been filed seeking to direct the respondents 1 and 2 to consider the representation of the petitioner dated 15.12.2023 and 16.09.2024, and take immediate action against the 3rd Respondent hospital and the 4th respondent, for their professional misconduct and to further direct the respondent no.4 to pay compensation for the sufferings of the petitioner.

2.The learned counsel for the petitioner would submit that the petitioner decided to undergo family planning surgery and hence, she approached the third respondent hospital and the fourth respondent Doctor herein performed Trans Abdominal Tubectomy Surgery. Thereafter, the petitioner felt severe stomach pain and hence, was admitted at the Stanley Government Hospital. Further, the Doctor at the Stanley Hospital opined that the tubectomy surgery was not conducted in terms of the procedure and on the basis of the same, the petitioner preferred a complaint before second respondent, however, no order



has been passed till date. Hence, the present Writ Petition.

WEB COPY

3.Per contra, the learned Government Advocate appearing for the third respondent would submit that the competent authority to adjudicate the representation of the petitioner is the Director of Medical & Rural Health Services, 3rd Floor, D.M.S. Complex, No.361, Anna Salai, Chennai – 18. Hence, this Court may direct the petitioner to file a compliant before the Director of Medical & Rural Health Services for appropriate remedy.

4.Heard the learned counsel either side and perused the materials available on record.

5.Since no adverse is passed against the fourth respondent, notice to the fourth respondent is dispensed with.

6.In view of the above, the petitioner is now required to prefer a complaint before the Director of Medical & Rural Health Services, 3rd Floor, D.M.S. Complex, No.361, Anna Salai, Chennai – 18 within a period of two weeks from the date of receipt of a copy of this order. If such a complaint is filed, the Director of Medical & Rural Health Services, shall consider the same and pass appropriate orders within a period of four(4) weeks thereafter, in



accordance with law, after providing an opportunity of hearing to the petitioner,
the third respondent and also the fourth respondent.

7.The Writ Petition is disposed of accordingly. No costs.

14-11-2025

Tsg

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.The National Medical Commission

Rep. by its Secretary,

Pocket – 14, Sector – 8,

Dwarka Phase – 1,

New Delhi – 110 077.

?

2. The President,

Tamil Nadu Medical Council,

No.914, Poonamallee High Road,

Arumbakkam, Chennai – 600 106.

3.Chief Medical Officer,

Ponneri Government Hospital,

Taluk Office Road,

Ponneri – 601 204.

4.The Director of Medical and

Rural Health Services,

3rd Floor, D.M.S. Complex,

No.361, Anna Salai,

Chennai – 600 018.



WEB COPY

WP No. 43591 of 2025





WEB COPY

WP No. 43591 of 2025



M.DHANDAPANI J.
Tsg

WP No. 43591 of 2025

14-11-2025