



W.P.(MD)No.31045 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2025

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THE HONOURABLE **Mr. JUSTICE KRISHNAN RAMASAMY**

W.P.(MD)No.31045 of 2023

M.Arish Kumar

...Petitioner

vs.

1.The Principal Secretary,
Health & Famil Welfare Department,
Government of Tamil Nadu,
Fort St.George,
Chennai.

2.The District Collector,
Sivagangai,
Sivagangai District.

3.The Dean,
Government Medical College & Hospital,
Sivagangai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the respondents to provide the compensation to the petitioner for the medical negligence of not provided the proper medical assistance to the petitioner by the third respondent hospital and provide further treatment to the petitioner.

For Petitioner : Mr.V.Manikandan

For Respondents : Mr.C.Satheesh,
Government Advocate



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4. I have given due consideration to the submissions made on both sides.

5. A perusal of the records shows that the petitioner discharged himself from the third respondent Hospital at his own risk. The question of negligence would come into picture only when the Medical Officers have treated the petitioner. When the Medical Officers in the third respondent Hospital have not treated the petitioner and the petitioner got himself admitted in a private hospital, the petitioner cannot blame the third respondent Hospital for medical negligence. In any case, if the petitioner claims that there is negligence on the part of the third respondent Hospital, such negligence can only be decided by the Civil court or by the appropriate forum. Therefore, there is no merit in the present Writ Petition.

6. Accordingly, this Writ Petition is dismissed. No costs.

15.12.2025

Speaking / Non-speaking order

Index : Yes/No

NCC : Yes/No

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KRISHNAN RAMASAMY, J.

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