



W.P(MD)No.30288 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.10.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30288 of 2025

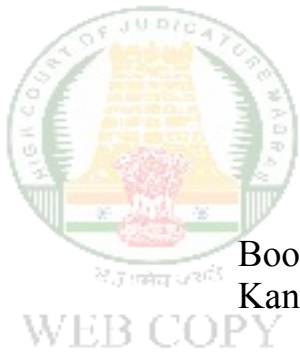
K.Vinoth

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District.
- 2.The Dean,
The Government Medical College and Hospital,
Asaripallam, Kanyakumari District.
- 3.The Chairman,
The Tamil Nadu State Medical Commission,
No.959 and 960, Poonamallee High Road,
Purasaivakkam, Chennai.
- 4.Dr.Priya @ Selva Priya,
Doctor,
The Government Taluk Hospital,
Boothapandi, Kanyakumari District.
- 5.Dr.Saravanan,
Doctor,
The Government Taluk Hospital,
Boothapandi, Kanyakumari District.
- 6.State of Tamil Nadu,
Represented by the Inspector of Police,

1/10



W.P(MD)No.30288 of 2025

Boothapandi Police Station,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 2 and 3 herein to take departmental action against the 4th and 5th Respondents herein by considering the petitioner's representation dated 15.09.2025.

For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.S.Kameswaran,
Government Advocate for R1 & R2.
Mr.V.Ramesh for R3
Mr.A.Albert James,
Govt. Advocate (Crl. Side) for R6.

ORDER

Heard the learned counsel for the writ petitioner, the learned Government Advocate for the respondents 1 and 2, the learned standing counsel for the third respondent and the learned Government Advocate (Crl. Side) for the sixth respondent.



W.P(MD)No.30288 of 2025

2.The writ petitioner got married to one Monisha. On 13.08.2025, the writ petitioner's wife was admitted in Government Taluk Hospital, Boothapandi for delivery of child. The specific allegation of the writ petitioner is that the child was born dead and that its limbs had also suffered fracture. The petitioner would impute medical negligence to the doctors in-charge. In this regard, Crime No.360 of 2025 was registered on the file of Boothpandi Police Station. The petitioner has also given a representation on 15.09.2025 calling for taking departmental action against the erring doctors. Since no action was taken, this writ petition came to be filed.

3.The petitioner's allegation might as well be true. But the question is whether at his instance, the Writ Court can issue a Writ of Mandamus to the authority concerned.

4.The learned Government Advocate draws my attention to the order dated 15.06.2023 in W.P.No.17465 of 2023 (A.Muruganandham Vs. The Superintendent of Police, Cuddalore District, Cuddalore – 607 001). Paragraph No.4 of the said order reads as follows:-



W.P.(MD)No.30288 of 2025

*“4.At the outset, the Writ Petition itself is liable to be dismissed on the ground of maintainability, since this Court had already held in the case of **Sudalaikannu Vs. The Principal Secretary to Government, Municipal Administration and Water Supply Department, Secretariat, Chennai and others** passed in **W.P.(MD) No.8871 of 2018, dated 26.04.2018**, that a third party cannot stand in the way between an employee and the employer in matters of service disputes, especially, in the context of disciplinary proceedings. For such a proposition, the learned Single Judge therein had placed reliance on a decision of the Hon'ble Division Bench and had come to such a conclusion in the following manner:*

..... “14. As it is rightly pointed out by the learned Amicus, the law in this regard is well settled, as a third party, not connected with any service dispute cannot maintain the Writ Petition, invoking Article 226 of the Constitution of India, on the service side seeking a Writ of Mandamus to take action against any employee or officials.

15. The theory of personal injury can very well be pressed into the service in this case.

16. Admittedly, the petitioner is a third party and though he has claimed to be the social worker, he cannot claim any personal injury of the case of the alleged delayed action of disciplinary proceedings against the official respondent against the private respondent.



W.P(MD)No.30288 of 2025

17. Once the third party cease to be the person, without any personal injury, he cannot maintain the Writ Petition as an adversary Writ Petition.

18. If the petitioner files any adversary writ petition on the service side, because he is a third party, the next question would be naturally raised is that, whether he can file such petitions by way of Public Interest Litigations(PIL).

19. In this regard, it is also brought to the notice of this Court that, the very same petitioner already approached this Court by filing a PIL, where the Division Bench of this Court in W.P.(MD).No.6734 of 2007 in Sudalaikannu Vs., the Secretary, Municipal Administration and Water Supply Department and others dated 23.12.2008 made the following observations which can usefully be pressed into service herein.

“It is seen that the petitioner belongs to a particular political party and he also functioned as a Councilor of the Municipal Corporation. Further, the petition has been filed on frivolous reasons after knowing fully well that action is being taken against respondents-4 to 7. It has been repeatedly held by the Hon'ble Supreme Court as well as by this Court that vexatious applications in the guise of public interest litigations should not be



W.P(MD)No.30288 of 2025

entertained. Since the present petition is one of such kind, we hold that the petitioner has no locus standi to file it and the same is liable to be dismissed.”

20. Since the very same petitioner has been branded as the frivolous litigant by the judicial pronouncement of the Division Bench Judgment cited supra, with regard to the genuineness of the litigant's nature, attached with the nature of this Court, one cannot have any doubt that, the petitioner certainly has not approached this Court for any good intention and he might have approached this Court with any other private intention (i.e.,) the reason why the petitioner knowing well that he cannot file the writ petition against the official respondent herein, for the alleged inaction on their part on the private respondents herein by way of service dispute, has filed this Writ Petition.

21. If such kind of frivolous litigations are entertained by this Court, that too, in exercising the extraordinary original jurisdiction of this Court under Article 226 of the Constitution of India, this Court is afraid that, there will be pouring of such frivolous litigations by unscrupulous persons every day and that will open the flood gate to so many unscrupulous persons to abuse the process of law, to settle their personal score in the guise of service dispute. Therefore, this Court has



W.P(MD)No.30288 of 2025

no hesitation to hold that this petitioner does not have any locus to maintain this writ petition for more than one reason, as he has already been considered to be a frivolous litigant by the Division Bench of this Court.”

5.I will not characterize the case on hand as a frivolous litigation. It is far from it. Admittedly, the petitioner's child was born dead. The petitioner would make a very specific allegation that its limbs were found to be broken. Therefore, in the very nature of things, some kind of an enquiry is called for. I will not issue any positive direction that disciplinary action must be taken against the respondents 4 and 5. I call upon the Joint Director, Medical and Health Services Department, Kanyakumari District to look into the writ petitioner's allegation and hear the writ petitioner and after perusing the entire material on record pass a speaking order while concluding the enquiry proceedings. Copy of the same will be served on the writ petitioner. If the report finds any *prima facie* material that the respondents 4 and 5 are guilty of medical negligence, action has to necessary follow. The Joint Director, Medical and Health Services Department, Kanyakumari shall conclude the enquiry proceedings within a period of four months from the date of



W.P(MD)No.30288 of 2025

receipt of a copy of this order. The petitioner is given liberty to approach this Court again at the appropriate state.

6.This writ petition has been disposed of without putting the respondents 4 and 5 on notice. Therefore, it is made clear that this order should not be construed as having cast any reflection on them. All the contentions and defences of the respondents 4 and 5 are left open. The Joint Director, Medical and Health Services Department, Kanyakumari will have to put the respondents 4 and 5 on notice before finalizing the enquiry proceedings.

7.This writ petition is disposed of accordingly. No costs.

27.10.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



W.P(MD)No.30288 of 2025

WEB COPY

To:

- 1.The District Collector,
Kanyakumari District.
- 2.The Dean,
The Government Medical College and Hospital,
Asaripallam, Kanyakumari District.
- 3.The Inspector of Police,
Boothapandi Police Station,
Kanyakumari District.

Copy to:

The Joint Director,
Medical and Health Services Department,
Kanyakumari District.



WEB COPY



W.P(MD)No.30288 of 2025

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.30288 of 2025

27.10.2025