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WP No. 9005 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 9005 of 2022

Manjamatha
W/o.Gopinath, South Street,
Amirtharayankottai, Ariyalur District.

..Petitioner

Vs

1. The District Collector
Ariyalur District, Ariyalur.
2. The Secretary,
Medical Council of India, Pocket- 14, Sector 8,
Dwaraka Phase, New Delhi- 110 077.
3. The Secretary,
Tamilnadu Medical Council, No.914,
Poonamallee high Road, Arumbakkam,
Chennai- 600 106.
4. The Inspector of Police,
T.Palur Police Station, Ariyalur District.
5. Dr.S.Vijayakumar M.S.
Registration No.64340, H.R.Manager and
Director, Ezhil Surgical and Maternity Hospital,
Jayamkondan,



Aariyalur District- 621 802.

..Respondents

Writ Petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus directing the Respondents 1 to 4 to take necessary action against the 5th respondent for his lethargic and negligent medical treatment and to pay compensation for the medical negligence within the stipulated period.

For Petitioner: Mr.R.Maheswaran

For Respondents: Mr.P.Ananda Kumar

Government Advocate (R1 and R4)

Mr.R.Jayaprakash (R5)

R2 and R3 (No appearance)

ORDER

This Writ Petition has been filed seeking a direction to the Respondents 1 to 4, to take necessary action against the 5th respondent for his lethargic and negligent medical treatment and to pay compensation for the medical negligence within the stipulated period.

2.. The case of the petitioner in brief is as follows:



(i) The petitioner is the mother of the deceased minor girl Shivanya Sri. On 25.02.2022 at about 12.30 P.M., the petitioner's daughter had kept the rat killer paste in her mouth. On noticing the rat killer paste at the hands of her daughter, she snatched the same from her hands and questioned her whether she had kept the rat killer paste in mouth or not. Her daughter waved her head saying no, immediately she washed her mouth and hands with water. However, since her daughter vomited and was not feeling well on the next day i.e., on 26.02.2022, the petitioner had taken her daughter to the 5th respondent and explained to the 5th respondent that her daughter has playfully kept rat killer paste in her mouth. But the 5th respondent, being a Doctor, without realizing the seriousness and emergency, had treated her daughter in a lethargic and negligent manner and had prescribed some medicines and sent them back to home. Despite of above medication, the petitioner's daughter felt very sick and continuously vomited. Therefore, once again on 28.02.2022, the petitioner took her daughter to the 5th respondent hospital and the 5th respondent conducted Blood test, Urine analysis and liver functioning test and stated that her daughter's health condition got worsen and referred her daughter to Meenakshi Hospital, Thanjavur. Immediately, on the same day, i.e., on 28.02.2022, the petitioner had taken her daughter to the Meenakshi Hospital, Thanjavur and on the same day one Dr.Sakthivel of Meenakshi Hospital, Thanjavur referred her daughter to RELA Hospital, Chennai, as her daughter's Health condition was more deteriorated.



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(ii) While so, from 01.03.2022 to 02.03.2022, the petitioner's daughter was treated by RELA Hospital, Chennai. Since her daughter's health condition did not improved, on 03.03.2022, at about 11.30 A.M., the petitioner admitted her daughter at Government Stanely Hospital, Chennai and on 07.03.2022, at about 10.30 A.M., the petitioner's daughter was declared dead. Considering the emergency, if the 5th respondent treated her minor daughter in a proper and precaution manner at the first day of her appointment i.e., on 26.02.2022, her daughter would have been alive today. Hence her father-in-law lodged a complaint before the 4th respondent on 07.03.2022 and the same was registered in Crime No.47 of 2022 under Section 174 Cr.P.C. Though the death of her daughter was occurred due to lethargic and negligent medical treatment of the 5th respondent, no proper action was taken against him by the Authorities concerned. Hence on 18.03.2022, the petitioner made a detailed representation to the respondents to take action against the 5th respondent and to pay compensation for the above medical negligence. Since no action has been taken on the said representation, the petitioner has filed this Writ Petition seeking for the aforesaid relief.

2.1. The learned counsel for the petitioner would submit that by predicting that the petitioner's daughter's life may not be saved, in order to



switch over the liability, the 5th respondent referred her daughter to Meenakshi Hospital, Thanjavur. Further, he would submit that considering the emergency, if the 5th respondent treated her minor daughter in a proper and precaution manner at the first day of her appointment i.e., on 26.02.2022, her daughter would have been alive today and therefore the petitioner's daughter's death occurred only due to the lethargic and negligent medical treatment of the 5th respondent. He therefore prays to allow this petition.

3. The learned counsel appearing for the 5th respondent would submit that though the petitioner's minor child consumed the rat poison on 25.02.2022, she was brought to his hospital, only on the next day i.e., on 26.02.2022. However, the 5th respondent had initially prescribed some medicines to her. As the minor child was not recovered, the petitioner again brought her to his hospital on 28.02.2022 and after conducting certain tests, he referred the minor child to Meenakshi Hospital, Thanjavur.

4. Further, he would submit that one Dr.Sakthivel of Meenakshi Hospital, Thanjavur referred her daughter to RELA Hospital, Chennai on the same day i.e., on 28.02.2022. Thereafter, she took treatment in the RELA Hospital from 01.03.2022 to 02.03.2022 and again the petitioner's took her to



Government Stanley Hospital, Chennai on 03.03.2022 and there she was declared dead only on 07.03.2022. The 5th respondent by considering the health condition of the minor child had referred her to Meenakshi Hospital, Thajavur on 28.02.2022 itself and the child passed away only on 07.03.2022. Therefore, the 5th respondent could not be faulted with. He therefore prays for dismissal of this Writ Petition.

5. Heard both sides. Perused the records.

6. In the case on hand, admittedly the minor child consumed the rat poison on **25.02.2022** and she was brought to the 5th respondent hospital belatedly i.e., on **26.02.2022**. Despite the same, the 5th respondent treated the minor child initially by prescribing her some medicines. Only after ascertaining her health condition by conducting certain tests, in order to save the life of the minor child had referred her to Meenakshi Hospital, Thanjavur. Thereafter, on the same day, she was referred to RELA Hospital, Chennai by Dr.Sakthivel of Meenakshi Hospital and she took treatment in RELA Hospital from **01.03.2022** to **02.03.2022**. On **03.03.2022**, the petitioner had taken her child to Government Stanely Hospital, Chennai and after taking treatment from 03.03.2022 to 07.03.2022 in the said hospital she died on **07.03.2022**. The 5th respondent



referred the minor child to Meenakshi Hospital on **28.02.2022** and she died only on **07.03.2022**. She was alive for nearly seven days from the date of his reference. Therefore, the contention of the petitioner that the 5th respondent is responsible for the death of her minor child is unacceptable. The 5th respondent cannot be blamed for the death of the minor child. Even assuming that the 5th respondent is responsible for the death of the minor child, the same is the disputed question of fact which cannot be decided by this Court by this Court under Article 226 of Constitution of India.

7. In the light of the aforesaid observation, this Writ Petition is devoid of merits and the same is liable to be dismissed and accordingly dismissed. No costs.

03-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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KRISHNAN RAMASAMY, J.

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