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W.P(MD)No.7934 of 2026



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 25.03.2026

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P(MD)No.7934 of 2026

M.Pasupathi Pandian

... Petitioner

Vs.

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

2.The Secretary to Government
Home Department,
Secretariat,
St George Fort
Chennai-600 009

3.The District Collector,
O/o.District Collector,
Madurai District.

4.The Dean,
Government Rajaji Hospital,
Madurai.

...Respondents

Writ Petitions are filed under article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay fair compensation to the petitioner for the medical negligence of the fourth



respondent resulting in the failure of the kidney transplant surgery and also to the petitioner's mother who lost one kidney due to the negligent surgery based on the representation of the petitioner dated 19.02.2026.

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For Petitioner
For R1 to R4

:Mr.S.Ramasundarvijayraj
:Mr.P.Thambidurai,
Government Advocate

ORDER

This writ petition is filed for a mandamus to pay compensation for the medical negligence of the 4th respondent resulting in the failure of the kidney transplant surgery and also to the petitioner's mother who has lost one kidney due to the negligent surgery, based on the representation of the petitioner dated 19.02.2026.

2.Upon perusing the material records of the case and hearing the learned counsel for the petitioner, the grievance of the petitioner is that when the petitioner was in need of a kidney, and was admitted in the 4th respondent hospital, after verifying all credentials and concluding that the petitioner's mother's kidney is matching and will work for the petitioner, the transplantation surgery was conducted by the 4th respondent hospital. However, immediately within four days thereof, the same was proved wrong and they had to perform further surgery to take out the kidney. In the



process, the petitioner is still ailing and the mother had also lost one kidney.

Therefore, the petitioner seeks compensation.

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3.I have also heard the learned counsel appearing on behalf of the respondents 1 to 4.

4. To claim compensation for medical negligence, the petitioner must first establish that there was any medical negligence on the part of the fourth respondent hospital or the surgeons or the physicians. In a case of this nature, this cannot be straight away established or concluded in these proceedings under Article 226 of the Constitution of India, as it requires consideration by the appropriate experts. The petitioner is entitled to make a complaint as per Sections 27 and 30 of the National Medical Commission Act, 2019, and the Indian Medical Council (Professional conduct, Etiquette and Ethics) Regulations, 2002, read with the Tamil Nadu Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2003. Complaints are to be preferred to the Tamil Nadu State Medical Council as per Regulation 8.2. Depending on the outcome, the petitioner can pray for compensation, which can be considered thereafter.



5. Keeping open the liberty of the petitioner to make such a complaint and directing the State Medical Council to process the complaint in the manner known to law and pass orders as expeditiously as possible, this writ petition stands disposed of. No costs.

25.03.2026

NCC:Yes/No
Ns

To

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

2.The Secretary to Government
Home Department,
Secretariat,
St George Fort
Chennai-600 009

3.The District Collector,
O/o.District Collector,
Madurai District.

4.The Dean,
Government Rajaji Hospital,
Madurai.



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W.P(MD)No.7934 of 2



D.BHARATHA CHAKRAVARTHY, J.

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W.P(MD)No.7934 of 2026

25.03.2026