

Court No. - 3

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Case :- WRIT - C No. - 13118 of 2021

Petitioner :- Kulabhushan Tyagi

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Prateek Rai,Devid Kumar Singh,Neeraj Rai

Counsel for Respondent :- C.S.C.

Hon'ble Surya Prakash Kesarwani,J.

Hon'ble Dr. Yogendra Kumar Srivastava,J.

Heard learned counsel for the petitioner and the learned standing counsel.

This writ petition has been filed praying for the following reliefs :

(i) Issue a writ, order or direction in the nature of mandamus directing the respondent(s) to appropriately compensate the petitioner for the loss of life of his father who had contracted COVID-19 and died because he did not get the proper and timely treatment due to the inaction, negligence and indifference of the functionaries at the District Combined Hospital, Ghaziabad (a state-run hospital).

(ii) Issue a writ, order or direction in the nature of mandamus directing the respondents(s) to launch a proper inquiry into the lapses on the part of the functionaries at the District Combined Hospital, Ghaziabad on the fateful day which led to the death of the petitioner's father and appropriately punish those responsible under the relevant legal provisions.

The relief sought by the petitioner is for compensation which may involve highly disputed questions of fact and the allegation to be proved by leading evidences. For this purpose, writ petition under Article 226 of the Constitution of India is not the appropriate remedy.

In view of the aforesaid and without expressing any opinion on merits of the case of the petitioner, the writ petition is **dismissed** leaving it open to the petitioner to avail such other remedy as may be available to him under law.

Order Date :- 16.6.2021/vkg