

BEFORE THE HIGH COURT OF M.P. BENCH AT
INDORE

WRIT PETITION (CIVIL) PIL NO. _____ OF 2020

IN THE MATTER BETWEEN:

ANILOJHA S/O SHRI R.D.OJHA

.....PETITIONER

VERSUS

1. STATE OF M.P.
Through Principal Secretary,
Ministry of Health & Family Welfare
Vallabh Bhawan,
Bhopal (M.P.)
2. STATE OF M.P.
Through Collector,
Office of Collector,
Collectorate, Moti Tabela,
Indore (M.P.)
3. Bombay Hospital Indore
Through Administrator
IDA Scheme no.94-95,
Eastern Ring Road, Tulsi Nagar,
Indore (M.P.)

4. Sri Aurbindo Hospital and Research Centre
Through Administrator
Add: Indore Ujjain State Highway,
Near MR 10 Crossing,
Indore (M.P.)

..... RESPONDENT

**A WRIT PETITION PIL UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA FOR ISSUANCE
OF PREROGATIVE WRIT OF MANDAMUS OR
ANY OTHER APPROPRIATE WRIT AGAINST
ERRING HOSPITALS IN ILL TREATING PATIENT**

To,

The Hon'ble Chief Justice and

His Companion Justices

In the High Court of M.P. Bench at Indore

Most Respectfully Showeth:

BRIEF FACTS OF THE CASE :-

1. That the petitioner is a citizen of India residing at Indore. The respondent is state of M.P. Department of Health and Various Hospitals which are performing duty of state under article 12 of The Constitution of India.
2. That the petitioner is shattered by the news of death of Advocate Achla Joshi in today's daily news paper due to non availability of treatment. The deceased Advocate Achla Joshi was a active practicing advocate for more than 30 years and she was involved in various social activities and aggrieved by the news headline printed in Dainik Bhaskar news dated 06/09/2020 and various other daily Newspapers wherein a senior lady Advocate succumbed to death due to negligence

of hospitals. I on behalf of various others advocates and residents of Indore felt obligated to file this Public Interest Petition to highlight the ill treatment going in the city of Indore by hospitals amidst corona outbreak. A copy of Daily News Papers Article is annexed herewith and collectively marked as **Annexure- P/1**.

3. That as per the news paper headlines the lady suffered heart-attack yesterday evening and was immediately rushed to nearest hospital but due to non availability of bed she was refused treatment at Bombay Hospital and then her relatives took her to Aurbindo Hospital where also the treatment was initially denied but later on severe insistence she was administered oxygen on stretcher but that caused loss of time and she could not be saved as during cardiac arrest immediate medical help is most important.
4. That the petitioner is an advocate by profession and Ex. President of High Court Bar Association, Indore and public spirited person actively involved in various social activities prays for an immediate direction against such unethical conduct and to register a case under murder against the erring hospitals and district administration to take strict action against the license granted to erring hospitals.
5. That the Hon'ble Supreme Court in its various orders has made no patient should suffer due to COVID-19 situation and hospitals should take utmost care .
6. That the whole country is facing crisis situation but Indore City has seen major decline in Corona patients but non COVID-19 patients are suffering most as they are not treated with utmost sincerity and care.
7. That the petitioner has thus approached the Hon'ble court on amongst others the following grounds.

GROUND:-

- (a) Because in the matter of PIL WP 5467/2016 the Hon'ble High Court directed the respondent no 3 to take proper care of all the patients and especially BPL patients but of no avail.
- (b) Because it is the duty of doctors to save life and not falling prey for all these administrative gimmick. A patient who was required immediate attention was left over to die by no stretch of imagination respondents can deny their gross negligence.
- (c) Because it is the duty of administration and Collector to provide same facilities to each and every resident of city but treatment is only available to VIPs and common person has lied down to die.
- (d) Because the action of the respondent are contrary to law, equity and good conscience.
- (e) Because the action of the respondent is arbitrary, unreasonable and irrational.
- (f) Because the action of the respondent is bad in law.
- (g) That the Petitioner craves, leave of this Hon'ble Court to add, amend, and alter the grounds raised in this petition.
- (h) That the Petitioner has no other alternative efficacious remedy except to approach this Hon'ble Court by way of this writ petition.
- (i) That the petitioner has not filed any other similar writ petition either before this Hon'ble Court or before the Supreme Court of India.
- (j) That there has been no undue delay in filing of this petition.

(k) That the honorable court has territorial jurisdiction to entertain the writ petition.

(l) That the requisite court fee of Rs. 250/- has been affixed on this petition.

PRAYER:

In view of the above facts and circumstances, it is respectfully submitted that this Hon'ble Court may be pleased:

- (a) Issue appropriate writ in the nature of mandamus or any other appropriate writ directing the respondent to immediately cancel the license of erring hospitals and strict action to punish the guilty
- (b) Issue any other further order/orders or direction/directions as this Hon'ble Court may deem fit and appropriate to the facts and the circumstances of this case.

**FOR THIS ACT OF KINDNESS THE PETITIONER
ABOVENAMED SHALL EVER PRAY.**

Indore

Dated : 06/09/2020

Submitted by :

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(counsel for the Petitioner)