



WEB COPY

WP No. 11595 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 11595 of 2026

1. Vimala Thangaraj
w/O.Appavoo Nicson Kennedy
having residence at alaghurity Flats Mohana
Apartments C8, 2nd floor
No.96, Arcot Road
Virugambakkam
Chennai-600 092

2. Appavoo Nicson Kennedy
S/o.Joshua Gnana Olivu
Alaghurity flats
Mohana Apartments C8 2nd floor
No.96, Arcot Road,
Virugambakkam
Chennai-600 092

..Petitioner(s)

Vs

1. The Secretary to the government
Rep through Assisted Reproductive Technology
and
Surrogacy Authority,
Health and Family
Welfare Department
Secretariat
St.George Fort
Chennai-600 009

2. The Directorate of Medical and Rural Health
services
Rep by its Medical Review Board
359, Anna salai
Chokkalingam Nagar



Teynampet
Chennai-600 006

3. Chennai Fertility Centre and research Institute
(LEI.984500EB8A61H1BB0B40)
Rep by its Founder
No.79/129
Nelson Manickam Road
Aminjikarai,
Chennai-600 030

..Respondent(s)

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to accept and consider the representation of the 1st petitioner dated 12.2.2026 for relaxing the age criteria as stipulated in Section 21(g) of the Assisted reproductive Technology (Regulation) Act 2021 and to permit the petitioners to take treatment with the 3rd respondent for their in vitro Fertilization treatment in consideration of the representation dated 12.2.2026 within a stipulated period of time

For Petitioner(s): Ms.Rishitha Kishan
for Mr.Ashwinkumar A.

For Respondent(s): Mr.K.Tippusulthan, GA for R1 & R2

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 & 2 to accept and consider the representation of the first petitioner dated 12.02.2026 for relaxing the age criteria as stipulated in Section 21(g) of the Assisted Reproductive Technology (Regulation) Act, 2021 and to permit the petitioners to take treatment with the third respondent for their in vitro



Fertilization treatment in consideration of the representation dated 12.02.2026 within a stipulated time, as fixed by this Court.

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2. Heard the learned counsel appearing on either side. With the consent of both sides, the Writ Petition is taken up for hearing at the admission stage itself. Since no adverse order is to be passed as against the third respondent in the present Writ Petition, notice to the third respondent is dispensed with.

3. In view of the order propose to be passed in this Writ Petition, WMP.No.12644 of 2026 filed by the petitioners to permit them to file a Single Writ Petition is allowed subject of payment of a Single Court fee.

4. It is the case of the petitioners that they got married on 28.12.2009 however not blessed with a child till now. They underwent treatment for the same and it was diagnosed that the first petitioner was having primary infertility. Due to which they opted for IVF treatment in the year 2021 but the same was failed and thereafter, they faced financial crisis and therefore, they went for the said treatment with the third respondent in 2025, for which, it was informed that the age of the first petitioner is not permissible as per 21(g) of the Assisted Reproductive Technology (Regulation) Act, 2021 and the third respondent addressed a letter to the second respondent on 09.02.2026 seeking permission to provide such treatment to the first petitioner and the first



petitioner also made a representation to the second respondent seeking permission, however the same was not accepted and the respondents 1 and 2 refused her request and hence, the present Writ Petition.

5. In view of the limited prayer sought for by the petitioners in this Writ Petition, there shall be a direction to the second respondent to consider the first petitioner's representation dated 12.02.2026 and to pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

27-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

DP



To

1. The Secretary to the government
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and
Surrogacy authority,
Health and family
Welfare Department
Secretariat
St.George Fort,
Chennai-600 009
2. The Directorate of Medical and Rural Health
services
Rep by its Medical Review Board
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M.DHANDAPANI, J.

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