

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30-07-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP(MD) No. 21873 of 2026

P.Elamathi

..Petitioner(s)

Vs

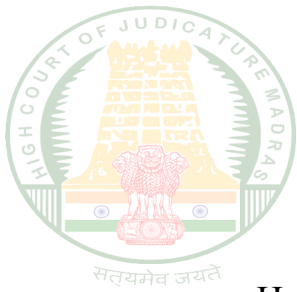
1. The Dean
Karur Government Medical College Hospital,
Karur District – 639004
2. The Chairman,
Child Welfare Committee,
Child Welfare Department,
Karur District
3. District Child Protection Officer,
District Child Protection Unit (DCPU),
Karur District

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 1st respondent to take appropriate steps to terminate the pregnancy of petitioner's physically challenged 1st daughter xxxx aged xx (minor) on the basis of petitioner's petition dated 24.07.2026 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s): Ms.J.Balameenakshi

For Respondent(s): Ms.P.Sudarkodi Natchiyar
Counsel for the State of Tamil Nadu



ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

2. Though the relief sought by the petitioner is, *prima facie*, contrary to the provisions of the Medical Termination of Pregnancy Act, 1971 and the Rules framed thereunder, the Hon'ble Supreme Court, in **A (Mother of X) v. State of Maharashtra and Others** (Civil Appeal No.827 of 2026), by order dated 06.02.2026, permitted medical termination of pregnancy beyond the prescribed gestational limit, subject to the condition that such termination was medically safe and did not endanger the life of the victim. In the said case, the pregnancy had reached the 28th week.

3. This Court has also recently taken note of the said decision in **K.Selvaraj v. The Dean and others** in W.P.(MD)No.17266 of 2026, by order dated 19.06.2026, and issued the following directions.

"6. In view of the above, the writ petition is disposed of on the following terms:

(i) Notwithstanding the age of the fetus or the duration of the pregnancy, the first respondent shall immediately constitute a Medical Board. Upon examining the victim child, if the Board finds that medical termination can be performed without endangering her life, the same shall be carried out at the earliest possible opportunity.

(ii) It is recorded that the child has already been admitted to the first respondent hospital.



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(iii) Without waiting for a certified copy of this order, the authorities shall act upon receipt of the web copy. The procedure shall be carried out in accordance with the recommendations of the Medical Board and in accordance with law. Needless to state, the DNA sample of the fetus shall be stored. No costs."

4. The facts of the present case are almost identical. Accordingly, this Writ Petition stands disposed of by directing the first respondent to constitute a Medical Board in accordance with the provisions of the Act and the Rules and to take an immediate decision as to whether medical termination of the petitioner's pregnancy can be safely carried out without endangering her life. The Medical Board shall undertake the above exercise forthwith and communicate its decision to the petitioner without any delay. There shall be no order as to costs.

30-07-2026

Index: Yes/No

Speaking/Non-speaking order

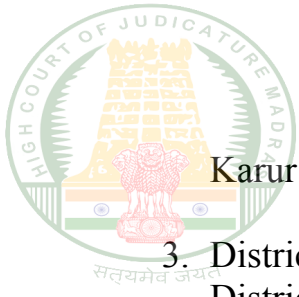
Neutral Citation: Yes/No

Note : - Issue order copy on 30.07.2026

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To

1. The Dean
Karur Government Medical College Hospital,
Karur District – 639004
2. The Chairman,
Child Welfare Committee,
Child Welfare Department,



Karur District

3. District Child Protection Officer,
District Child Protection Unit (DCPU),
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WP(MD) No. 21873 of 2



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WP(MD) No. 21873 of 2



C.SARAVANAN, J.

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WP(MD) No. 21873 of 2026

30-07-2026