

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14490 of 2020
(Heard Through VC)

S.Saradha

..Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Sampath Nagar,
Erode - 638 011.
 2. The Deputy Director
Office of Health Services,
Department of Public Health and Preventive Medicine,
Lakshmi Nagar,
Thindal, Erode District.
 3. The Inspector of Police,
All Women Police Station,
Bhavani, Erode District
- ..Respondents

* * *

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to terminate the pregnancy of petitioner's daughter named Vannamalar, aged about 16 years, after taking necessary test and preserve the foetus in safe custody for the investigation purpose of third respondent, by considering the representation of the petitioner dated 15.09.2020.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr.V.Shanmugasundar
Spl.Govt.Pleader

ORDER

The Writ Petition is filed seeking a mandamus to direct the second respondent to terminate the pregnancy of petitioner's daughter, namely, Vannamalar, aged about 16 years, after taking necessary test and preserve the foetus in safe custody for the investigation purpose of the third respondent, by considering the representation of the petitioner dated 15.09.2020.

2. Though the Writ Petition was filed on 29.09.2020, it came up for admission before this Court on 08.10.2020. Considering the fact that the foetus of petitioner's minor daughter was fifteen (15) weeks on the date of passing of the order, i.e., on 08.10.2020, a Medical Board, consisting of two registered medical practitioners, as provided under the Medical Termination of Pregnancy Act, 1971, was directed to be constituted to examine the minor girl and give their opinion on her mental and physical health for the Medical Termination of Pregnancy. For the said purpose, the matter was adjourned to 13.10.2020.

3. Today, when the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents, on instructions, submitted that the termination of pregnancy was done at Government Mohan Kumaramangalam Medical College Hospital, Salem on 06.10.2020 itself and the sample has been sent to the Forensic Lab for DNA Test, on 13.10.2020.

4. As it is stated that already the termination of pregnancy was done, this Writ Petition is dismissed as having become infructuous. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Office of the District Collector,
Sampath Nagar, Erode - 638 011.
2. The Deputy Director
Office of Health Services,
Department of Public Health and Preventive Medicine,
Lakshmi Nagar,
Thindal, Erode District.
3. The Inspector of Police,
All Women Police Station,
Bhavani, Erode District

+1cc to Mr.N.Ponraj, Advocate, S.R.No.33554

W.P.No.14490 of 2020

SSV(CO)
RV(11/12/2020)