



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No. 23728 of 2021

B.Kanimozhi

... Petitioner

Vs

1. State of Tamil Nadu

Represented by its,
District Collector,
Chennai District - 600 092.

2. The District Chief Medical Officer,
Government Hospital,
Chennai District - 600 006.

3. Dr.Kalpana,
Padi Government Hospital,
Manjakuppam,
Chennai District - 600 050.

4. Dr. Thendral,
Padi Government Hospital,
Manjakuppam, Chennai District - 600 050.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying Writ of Mandamus, directing the respondents to pay a sum of Rs.50,00,000/- as damages to the petitioner due to deliberate negligency and wanton carelessness on the part of the 4th respondent.

For Petitioner : Ms.T.Nithya

For Respondents : Mr.U.Baranidharan

Additional Government Pleader

ORDER

This writ petition has been filed to direct the respondents to pay a sum of Rs.50,00,000/- as damages to the petitioner due to deliberate negligency and wanton carelessness on the part of the 4th respondent.

2. The case of the petitioner is that she has two children and she underwent family planning while giving birth to



the second child and the same was done by the 3rd respondent. Later, the petitioner became pregnant due to failure in the surgery done by the 3rd respondent and thereafter, the petitioner met the 4th respondent and in turn the 4th respondent insisted the petitioner to go to Egmore for medical termination of the foetus. Later, the 4th respondent examined the petitioner and informed her that she is 10 weeks and 1 day pregnant and it is impossible to terminate the pregnancy and she also forced the petitioner to receive a sum of Rs.30,000/- and to sign the letter, but the petitioner refused the same. Thereafter, the petitioner sent representation to the respondents on 15.09.2021 claiming Rs.50,00,000/- as physical and mental agony caused to the petitioner which was due to the carelessness on the part of the 3rd and 4th respondent, however, till date no steps were taken. Hence, the present Writ petition is filed.

3. The learned counsel for the petitioner submitted that due to the deliberate negligence and wanton carelessness on the part of the 3rd respondent, and due to lack of medical advice being given by the 4th respondent, the petitioner was put to grave hardships to bring up all the three children as she belongs to a poor family. Hence, he further submitted that it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 15.09.2021 and pass appropriate orders within time stipulated by this Court.

4. The Additional Government pleader has no serious objection for the prayer sought for by the petitioner and he further submitted that the petitioner's representation will be considered and appropriate order will be passed in accordance with law within the time frame fixed by this Court.

5. Considering the submissions made by the learned counsel for both sides, this Court, without going into the merits of the case, this Court directs the respondents to consider the petitioner's representation dated 15.09.2021 and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar



1. State of Tamil Nadu
Represented by its,
District Collector,
Chennai District - 600 092.

2. The District Chief Medical Officer,
Government Hospital,
Chennai District - 600 006.

+lcc to Mr.T.Nithya, Advocate SR.No.62357

+lcc to the Government Pleader SR.No.61958

W.P.No. 23728 of 2021

KG(CO)
GN(27/12/2021)