



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25036 of 2021

S.Manjula

... Petitioner

Vs.

1. The Principal Secretary to the State,
Department of Health and Family Welfare,
Fort St George, Chennai.
2. The Dean
Government Mohan Kumaramangalam,
Medical College and Hospital,
Salem District.
3. The Chairman,
Child Welfare Committee,
Erode-638 002.
4. The State, Rep by
Inspector of Police,
All Women Police Station,
Sathyamangalam, Erode.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to terminate the pregnancy of the petitioner's daughter.

For Petitioner : S.Sridevi

For Respondents : Mr.U.Baranidharan
Additional Government Pleader



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the 2nd respondent to terminate the pregnancy of the petitioner's daughter.

2. The case of the petitioner is that the petitioner is the mother of the victim girl who was sexually abused by her relative one Murugesan and the victim girl is now 25 to 26 weeks pregnant and since the victim girl is 13 years old and the doctors have advised that it is not safe for the victim girl to give birth and she is not in a healthy condition to give birth to the child, the petitioner sent letters to the 2nd respondent on 27.10.2021 and 10.11.2021 to examine her daughter and to give report and they have advised to get orders from this Hon'ble Court. Hence, this Writ petition.

3. The learned counsel for the petitioner submitted that since, the petitioner's daughter is a minor and a victim of sexual abuse, the life of the the petitioner's daughter will be in danger if she continues to carry the foetus. He further submitted that it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's request and allow the victim girl to terminate the pregnancy.

4. The learned Additional Government Pleader has no objection for the said order being passed. He further submitted that the period of gestation is between 25 to 26 weeks. However, he further submitted that, the medical authorities will examine the victim girl and consider if the victim girl is fit for the medical termination of pregnancy.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 2nd respondent to consider the petitioner's request on merits and in accordance with law and examine whether the victim girl is fit for medical termination and pass appropriate orders, within a period of two weeks from the date of receipt of a copy of this order. This Writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

skt



To:

1. The Principal Secretary to the State,
Department of Health and Family Welfare,
Fort St George, Chennai.

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+1cc to Mrs.S.Sridevi, Advocate Sr No.60072 (22/11/2021)

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VBM (CO)
PR (19/11/2021)