



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P. (MD) No.7195 of 2021
and W.M.P. (MD).No.5489 of 2021

T.M.Angelin Monisha Sharean

...Petitioner

Vs.

- 1.The District Collector,
Kanniyakumari District at Nagercoil.
- 2.The Superintendent of Police,
Kanniyakumari District at Nagercoil.
- 3.Dr.Jeyasekharan Hospital and Nursing Home,
Rep. by its Managing Trustee,
K.P.Road, Nagercoil,
Kanniyakumari District - 629 003.

4.E.Christo Eljin Raj Elias

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ Mandamus, directing the 3rd respondent Dr.Jeyashekharan Hospital and Nursing Home, Nagercoil, Kanniyakumari District to conduct Surgery of Uterus removal of the petitioner considering her heavy bleeding with pain i.e., Adenomyosis and Endometriosis after getting concerned signature from the petitioner's mother namely, Tmt.A.Mary David.

For Petitioner : Mr.Xavier Rajini

For Respondents : Mrs.M.Rajeswari for R1 & R2
Government Advocate

Mr.A.Joseph Jerry for R3

Mr.C.Kishore for R4

O R D E R

This writ petition has been filed for the issuance of Writ of Mandamus, directing the third respondent to conduct the surgery for removal of the uterus of the petitioner.

2.Heard Mr.Xavier Rajini, learned counsel appearing for the petitioner, Mrs.M.Rajeswari, learned Government Advocate, appearing for respondents.



for the respondents 1 and 2, Mr.A.Joseph Jerry, learned counsel appearing for the 3rd respondent and Mr.C.Kishore, learned counsel appearing for the 4th respondent.

3.The case of the petitioner is that she suffered severe abdominal pain and it was diagnosed that she was suffering from "Adenomyosis and Endometriosis" and she was advised to immediately undergo laparoscopy surgery to remove her uterus. According to the petitioner, she is suffering from heavy bleeding and pain and when she was admitted in third respondent hospital, the hospital authorities are refusing to perform the surgery on the ground that they require concurrence signature from her husband. The learned counsel for the petitioner submitted that the husband of the petitioner is acting indifferently and is not co-operating. It was further submitted that the mother of the petitioner will sign the necessary papers and the third respondent hospital can be directed to perform the surgery.

4.The learned counsel appearing on behalf of the third respondent submitted that the hospital will comply with any directions that may be issued by this Court.

5.Taking into consideration the facts and circumstances of the case and also the agony undergone by the petitioner, who is facing complications in her uterus, there shall be a direction to the third respondent to permit the mother of the petitioner to sign all the relevant papers and thereafter perform the surgery for removing the uterus of the petitioner. This process shall be completed immediately.

6.This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Collector,
Kanniyakumari District at Nagercoil.

2.The Superintendent of Police,
Kanniyakumari District at Nagercoil.

3.The Managing Trustee,
Dr.Jeyasekharan Hospital and Nursing Home,
K.P.Road, Nagercoil,
Kanniyakumari District.

+1 CC to M/s.S.XAVIER RAJINI, Advocate (SR-16455[F] dated
19/04/2021)

W.P. (MD) No.7195 of 2021
17.04.2021

SVN(CO)

TR(19.04.2021) 3P 5C