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W.P.No.6455 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 07.03.2023**

**CORAM:**

**THE HON'BLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.6455 of 2023**

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...Petitioner

VS.

1. The Government of Tamil Nadu,  
Rep. by its Principal Secretary,  
Health & Family Welfare Department,  
Fort St.George,  
Chennai – 600 009.
2. The Director,  
The Medical & Rural Health Services,  
Chennai – 600 006.
3. The District Collector,  
Office of the District Collector,  
Kancheepuram District,  
Kancheepuram.
4. The Dean  
Chengalpet Medical College Hospital,  
Chengalpet.
5. The Block Medical Officer,  
Government Primary Health Centre,  
Koovathur,  
Kanchipuram – 603 305.



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6. Mrs.Muthukumari  
Staff Nurse Government Primary Health Centre,  
Koovathur,  
Kanchipuram – 603 305.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1<sup>st</sup> to 3<sup>rd</sup> respondent herein to pay a sum of Rs.30,00,000/- (Rupees Thirty lakhs only) to the petitioner as compensation due to the death caused to the petitioner's child in connection with negligence act on the part of the 5<sup>th</sup> and 6<sup>th</sup> respondent herein.

For Petitioner : Mr.S.Kingston Jerold

For Respondents : Mr.E.Veda Bagath Singh  
Special Government Pleader for RR1 to 5

### **ORDER**

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct respondents 1 to 3 herein to pay a sum of Rs.30,00,000/- (Rupees Thirty lakhs only) to the petitioner as compensation due to the death caused to the petitioner's child in connection with negligence act on the part of the 5<sup>th</sup> and 6<sup>th</sup> respondent herein.

2. Since no adverse orders is being passed against the sixth



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respondent, notice to the sixth respondent is dispensed with.

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3. It is the case of the petitioner that she was in the family way and upon regular consultation with the doctors she was informed that the child was healthier and there was no complication and due date was given as march 2019. However, petitioner developed labour pain and immediately taken to the fifth respondent Government Primary Health Centre and at that time there was no duty doctor available in the hospital and only the sixth respondent nurse was available, who performed the delivery without informing the doctor. Due to her negligence during the delivery, the child was delivered dead. The negligence of the sixth respondent had resulted in the death of the child whose head was seperated from the body. Against which an FIR in crime No.70 of 2019 was registered. The negligence of the fifth and sixth respondents in conducting the delivery have resulted in the death of the child for which the petitioner sought for compensation before the respondents 1 to 5 viz. representation dated 05.02.2020 of Rs.30,00,000/-(Rupees Thirty Lakhs Only) payable. Since no compensation was paid the present writ petition has been filed.



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4. Though very many grounds have been raised in the above writ petition, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the second respondent to consider the petitioner's representation dated 05.02.2020 and pass appropriate orders within the time frame that may be fixed by this Court.

5. Learned Special Government Pleader appearing for the respondents 1 to 5 has no objection for the said order being passed.

6. Considering the facts and circumstances of the case, this Court without going into the merits of the case, directs the second respondent to consider the said representation dated 05.02.2020 made by the petitioner after affording an opportunity of hearing to the petitioner as well as the aggrieved persons if any including the sixth respondent and pass appropriate orders on merits and in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.



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WEB COPY 7. This Writ Petition is accordingly disposed of. No costs.

07.03.2023

RAP

Index : Yes/No

Speaking order : Yes/No

Neutral Citation case : Yes/No

To

1. The Government of Tamil Nadu,  
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**M.DHANDAPANI, J.**

RAP

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