



W.P.Nos.16983, 16987, 16991 & 16994 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.16983, 16987, 16991 & 16994 of 2023

1. S.Rekha
2. J.Sampath ...Petitioners in W.P.No.16983 of 2023

1. Vasantha Kumari
2. G.Kumar ...Petitioners in W.P.No.16987 of 2023

1. P.Sindhu
2. K.G.Prasanna ...Petitioners in W.P.No.16991 of 2023

1. Vijaya
2. Gunasekar ...Petitioners in W.P.No.16994 of 2023

Vs.

1. State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai.
2. The Director,
The Directorate of Medical and Rural Health Service,
No.359, DMS Complex, 361, Anna Salai,
Chennai-600 006.
3. The Joint Director of Health Service/District Medical Board,
O/o. Joint Director of Health Service,



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Tiruvallur District.

...Respondents in W.P.Nos.16983 & 16994 of 2023

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Vs.

1. State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
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Secretariat, Chennai.
2. The Director,
The Directorate of Medical and Rural Health Service,
No.359, DMS Complex, 361, Anna Salai,
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3. The Joint Director of Health Service/District Medical Board,
No.359, DMS Complex, 361, Anna Salai,
Chennai-600 006.

...Respondents in W.P.Nos.16987 & 16991 of 2023

Prayer in W.P.No.16983 of 2023: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd & 3rd respondents to issue eligibility certificate for the petitioner being the intending couples to undergo the surrogacy procedure with the 2nd & 3rd respondent constituted under Assisted Reproductive Technology (Regulation) Act, 2021 and Surrogacy (Regulation) Act, 2021 on the basis of the petitioner's Application dated 02.05.2023.

Prayer in W.P.No.16987 of 2023: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd & 3rd respondents to issue eligibility certificate for the petitioner being the intending couples to undergo the surrogacy procedure with the 2nd & 3rd respondent constituted under Assisted Reproductive Technology (Regulation) Act, 2021 and Surrogacy (Regulation) Act, 2021 on the basis of the petitioner's Application dated 12.04.2023.

Prayer in W.P.No.16991 of 2023: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd & 3rd



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respondents to issue eligibility certificate for the petitioner being the intending couples to undergo the surrogacy procedure with the 2nd & 3rd respondent constituted under Assisted Reproductive Technology (Regulation) Act, 2021 and Surrogacy (Regulation) Act, 2021 on the basis of the petitioner's Application dated 24.04.2023.

Prayer in W.P.No.16994 of 2023: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd & 3rd respondents to issue eligibility certificate for the petitioner being the intending couples to undergo the surrogacy procedure with the 2nd & 3rd respondent constituted under Assisted Reproductive Technology (Regulation) Act, 2021 and Surrogacy (Regulation) Act, 2021 on the basis of the petitioner's Application dated 18.04.2023.

In all W.P's.:

For Petitioners : Ms.Reshmi Christy

For Respondents : Mr.P.Sathish, AGP

COMMON ORDER

Since the issue involved in all these Writ petitions are similar in nature, they are disposed of by way of this common order.

2. The petitioners have come up with these Writ petitions seeking direction to the 2nd & 3rd respondents to issue eligibility certificate for the respective petitioners being the intending couples to undergo the surrogacy procedure with the 2nd & 3rd respondent constituted under Assisted Reproductive Technology (Regulation) Act, 2021 & Surrogacy (Regulation)



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Act, 2021, in consideration of their respective applications.

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3. Mr.P.Sathish, learned Additional Government Pleader takes notice for the respondents. In view of the consent expressed by the Learned counsel appearing for either side, these petitions are taken up for final disposal at the admission stage itself.

4. The petitioners in the respective Writ petitions are husband and wife. The case of the petitioners is that, since the petitioners are not able to give birth to a child naturally, despite the several treatments undergone by them, they decided to adopt the method of Surrogacy. Since the petitioners need to obtain an Eligibility certificate from the respondents as per the Surrogacy(Regulation) Act, 2021 and the Assisted Reproductive Technology (Regulation) Act, 2021, in order to undergo the Surrogacy method, the petitioners approached the 2nd & 3rd respondents and made their respective applications, seeking issuance of Eligibility Certificate in their favour. However, till date, no orders have been passed on the said applications. Hence, these Writ petitions.



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No costs.

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(1/2)

skt

NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To

1. State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai.
2. The Director,
The Directorate of Medical and Rural Health Service,
No.359, DMS Complex, 361, Anna Salai,
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3. The Joint Director of Health Service/District Medical Board,
O/o. Joint Director of Health Service,
Tiruvallur District.
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in
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Though the present Miscellaneous petitions have been filed by the petitioners seeking to permit them to jointly file a single Writ petition, however, it is pertinent to note that, the Registry has already made an endorsement in the main petitions itself to that effect that,



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"Court fees fully paid".

2. In view of the above endorsement made by the Registry, no further order is necessary in these Miscellaneous petitions.

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(2/2)

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