



WEB COPY



W.P.No.17229 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17229 of 2023

Nanthini

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary to Government,
Family Planning and Social Welfare Department,
Fort St.George,
Chennai – 9.

2.The Joint Director,
Office of Health Department,
Coimbatore District,
Coimbatore – 18.

3.The District Collector,
O/o.The District Collectorate,
Coimbatore District,
Coimbatore.

4.The Dean,
The Government Medical College Hospital,
Coimbatore.

5.The Medical Officer,
Government Primary Health Centre,
Karamadai,
Coimbatore – 641 104.

... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay a sum of Rs.20,00,000/- to petitioner towards compensation jointly and severally for the negligence in performing the Family Planning Operation by the fifth respondent within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Saravanan
For Respondents : Mr.P.Sathish
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to pay a sum of Rs.20,00,000/- to the petitioner towards compensation jointly and severally for the negligence in performing the Family Planning Operation by the fifth respondent within a time stipulated by this Court.

2.The case of the petitioner is that the petitioner married one Murugesan and out of the wedlock, she was blessed with female child



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on 13.06.2011 and another female child on 30.10.2012 and since her husband was working as construction worker and earning meager income, they decided to perform family planning operation and accordingly the petitioner undergone Tubectomy operation under the supervision of the fifth respondent and the fifth respondent also issued Sterilisation Certificate to the petitioner, however, the petitioner gave birth to another female child. According to the petitioner, the family planning operation had been performed negligently and the respondents are liable to pay compensation. Hence, the petitioner issued legal notice dated 14.01.2019 to the respondents claiming compensation of Rs.20 Lakhs and since the same has not yet been considered, has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that it is absolutely due to the negligence on the part of the fifth respondent, the petitioner became pregnant for the third time and hence, the petitioner is entitled for fair compensation.

4.The learned Additional Government Pleader appearing for the respondents submitted that recently, the Government issued G.O.(Ms) No.173, Health and Family Welfare (R2) Department, dated



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31.05.2022, awarding compensation of Rs.60,000/- for failure of sterilization and in view of the said Government Order, the petitioner is entitled for a compensation of Rs.60,000/-.

5.In view of G.O.(Ms) No.173, Health and Family Welfare (R2) Department, dated 31.05.2022, awarding compensation of Rs.60,000/- for failure of sterilization, this Court, without expressing any opinion on the merits of the case, directs the first respondent to pay a sum of Rs.60,000/- (Rupees Sixty Thousand Only) to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. If at all the petitioner is aggrieved by the compensation awarded, the petitioner is at liberty to work out the remedy in the manner known to law.

6.The writ petition is disposed of with the above terms. No costs.

12.06.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No



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M.DHANDAPANI,J.
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