



WEB COPY



W.P. No.24429 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.24429 of 2024

and

W.M.P. Nos.26709 and 29977 of 2024

Kavitha Anand

... Petitioner

Vs

1. State of Tamil Nadu
Rep. by its Principal Secretary to Government
Namakkal Kavingar Maaligai,
4th Floor,
Fort St. George,
Chennai – 600 009 (Near Reserve Bank of India).

2. The Director,
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,
No.359, DMS Complex,
361, Anna Salai,
Chennai – 600 006.



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4. National Surrogacy Board,
Department of Health Research 2nd Floor,
IRCS Building 1
Red Cross Road,
New Delhi – 110 001.

5. Tamil Nadu State Surrogacy Board,
Directorate of Medical and Rural Health Service,
No.359, DMS Complex,
361, Anna Salai,
Chennai – 600 006.

6. The Secretary,
Health and Family Department,
Government of Tamil Nadu,
Namakkal Kavingar Maaligai,
4th Floor,
Fort. St. George,
Chennai – 600 009 (Near Reserve Bank of India) ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to permit the petitioner to allow the use of Assisted Reproductive Technology services for the Petitioner's IVF treatment under the provisions of the Assisted Reproductive Technology Act, 2021 and the Assisted Reproductive Technology (Regulation) Rules, 2022.

For petitioner	: Mr.G.R. Hari
For respondents	: Mr. Rabu Manohar for R4 Mr.E.Sundaram, Govt. Advocate for RR1, 2, 3, 5 & 6



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ORDER

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This writ petition has been filed for Mandamus seeking for a direction to the 2nd and 3rd respondents to permit the petitioner to allow the use of Assisted Reproductive Technology services for the Petitioner's IVF treatment under the provisions of the Assisted Reproductive Technology Act, 2021 and the Assisted Reproductive Technology (Regulation) Rules, 2022.

2. When the matter is taken up for hearing, the learned counsel for the petitioner fairly submitted that prior to filing of this writ petition, the Union Government had issued a Communication, dated 12.07.2024 to the petitioner, whereby the prayer sought for in this writ petition was rejected after considering the petitioner's representation, dated 02.07.2024.

3. Recording the fair submission made by the learned counsel for the petitioner, nothing survives for further adjudication in this writ petition and the same is closed. However, liberty is granted to the petitioner to challenge the Communication, dated 12.07.2024 in the manner known to law. In view of the same, the connected miscellaneous petition as well as the amendment petition viz., W.M.P. No.29977 of 2024 are also closed.



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Note : Registry is directed to return the original
Communication, stated supra, dated 12.07.2024
to the learned counsel for the petitioner, after
retaining a xerox copy of the same with this bundle.

Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
vsi2

To
1. The Principal Secretary to Government
State of Tamil Nadu
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4th Floor,
Fort St. George,
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2. The Director,
Directorate of Medical and Rural Health Service,
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M.DHANDAPANI, J.

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