



W.P.No.25467 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.25467 of 2022

K.Thirunavukarasu

... Petitioner

Vs

1. The Principal Secretary,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.
2. The Secretary to the Government,
Medicine and Health and Family Welfare Department,
Secretariat,
Chennai – 600 009.
3. The District Collector,
Office of the District Collectorate Office,
Cuddalore,
Cuddalore District.
4. The Director,
O/o. Director Family Welfare,
Chennai – 6.
5. The Medical Officer,
Raja Muthaiah Government Hospital,
Chidambaram,
Cuddalore District.



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6. The Medical Officer,
O/o.Taluka Medical Officer,
Primary Health Centre,
Orathur,
Cuddalore District.

7. The Inspector of Police,
Orathur Police Station,
Orathur,
Cuddalore District.

8. Dr.Sibi

9. D.Rahul Ananth

10. Dr. Sathish Kumaravel

11. Sarojini Devi

12. Surya

13. Sivagami

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents award compensations sum of Rs.50,00,000/- (Rupees Fifty Lakhs) or any other appropriate compensations to the petitioner for the death of the petitioner's wife namely Vijayalakshmi within time frame fixed by this Court.

For Petitioner : Mr.Thirumoorthy
for Mr.M.Kalaiyaran

For Respondents : Mr.S.J.Mohamed Sathik,
Government Advocate (for R1, R3 & R7)

Mr.K.Tippu Sultan,
Government Advocate
(for R2, R4, R5 & R6)

Mr.V.Balu (for R9)



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ORDER

The Writ Petition has been filed for directing the respondents to pay a sum of Rs.50,00,000/- as compensation on account of death of the petitioner's wife.

2. The petitioner got married one Vijayalakshmi. After their wedlock, they gave birth to three children. Thereafter, the petitioner admitted his wife in the Primary Health Centre, Orathalur for sterilization surgery. While admitting into the hospital, she was normal, unfortunately while doing surgery of sterilization, she fell unconscious. Therefore, immediately, she was referred to Chidambaram Government Hospital for higher treatment. Though she was given treatment, she died due to improper and wrong treatment. In pursuant to her demise, the First Information Report has been registered in Crime No.74 of 2022 under Section 174 of Cr.P.C on 28.01.2022. Hence, the petitioner sought for compensation. As per the order passed by the Government of Tamil Nadu in G.O.Ms.No.119, Health and Family Welfare (R1) Department, dated 30.05.2013, failure of sterilization operation (inclusive of death during the process of sterilization operation),



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the affected party is entitled for compensation to the tune of Rs.2,00,000/- and the same should be paid within 7 days from the date of discharge from the hospital. Though the petitioner made several allegations as against the eighth to thirteenth respondents, the allegations have not been substantiated by any material. However, the petitioner is entitled for compensation as per the said G.O.Ms.No.119, Health and Family Welfare (R1) Department. dated 30.05.2013.

3. The sixth respondent has filed counter-affidavit, it reveals that whenever family planning sterilization death occurs in the State of Tamil Nadu, the procedures have to be followed while sanctioning compensation to the legal heirs of the deceased acceptor. The claimant should produce the death certificate, legal heirship certificate, consent form along with DQAC recommendation of the concerned District, case sheets and the particulars before the District Indemnity Committee, viz., the District Collector/third respondent, who is the Chairman. However, the petitioner did not furnish those documents so far.



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4. In view of the above, the petitioner is directed to submit an application to claim compensation under the said G.O.Ms.No.119, Health and Family Welfare (R1) Department, dated 30.05.2013, along with all required documents, within a period of two weeks from the date of receipt of a copy of this order before the third respondent. On receipt of the same, the third respondent is directed to disburse the compensation within a period of two weeks thereafter.

5. With the above directions, this Writ Petition is disposed of. However, the petitioner is at liberty to approach the Civil Court for claiming more compensation, if any as against the persons, who committed wrong treatment while doing sterilization operation in the manner known to law. No costs.

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Index:Yes/No
Neutral Citation/Yes/No
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