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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26887 of 2024

Nadhiya

... Petitioner

Vs.

1. The Secretary to Government,
Health & Family Welfare Department,
Secretariat, Chennai.

2. The Director of Medical Education,
and Family Welfare Department,
Kilpauk, Chennai.

3. The Registered Medical Officer,
Government Medical College,
and Hospital, Thiruvallur.

4. The Deputy Director,
Medical Rural Development and
Family Welfare Centre,
Thiruvallur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to grant fair compensation to the petitioner for the negligence in performing the family planning operation by the 3rd respondent based on the petitioner's representation dated 15.07.2023 within the stipulated time frame.

For Petitioner : Mr.V.Manimaran
For Respondents : Mr.E.sundaram, GA



ORDER

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The Writ Petition has been filed seeking a direction to the respondents 1 and 2 to grant fair compensation to the petitioner for the negligence in performing the family planning operation by the 3rd respondent based on the petitioner's representation dated 15.07.2023.

2. The case of the petitioner that she has already given birth to two children and underwent family planning surgery in the 3rd respondent hospital, wherein the same went failure and the petitioner got pregnant again. In view of the failure, the petitioner suffered physically and mentally and approached the respondent for compensation, wherein no proper response from the respondent. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that this Court may direct the respondents to consider the representation of the petitioner dated 15.07.2023 and pass orders within the stipulated time as fixed by this Court.

4. The learned Government Advocate submitted that there has been some failures done for every 1000 surgeries and as well as informed that there is no possibility for tendering a compensation for a sum of Rs.10,12,000/- wherein



only Rs.60,000/- alone will be given as compensation and the same only can be claimed by the 3rd respondent.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and the limited request sought for by the petitioner, this Court directs the second respondent to disburse a sum of Rs.60,000/- to the petitioner within a period of two weeks from the date of receipt of copy of this order. If the petitioner has any grievance with regard to the excess compensation, she has to approached the consumer forum in the manner known to law.

7. With the above directions, this writ petitions is disposed of. No costs. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

26.09.2024

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To
1. The Secretary to Government,
Health & Family Welfare Department,
Secretariat, Chennai.



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M.DHANDAPANI,J

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2. The Director of Medical Education,
and Family Welfare Department,
Kilpauk, chennai.

3. The Registered Medical Officer,
Government Medical College,
and Hospital, Thiruvallur.

4. The Deputy Director,
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