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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.02.2024**

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD).No.4706 of 2022

Mahalakshmi ... Petitioner

vs.

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

2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.The Joint Director,
Office of Health Department,
Virudhunagar District,
Virudhunagar.

4.The Block Medical Officer,
Government Primary Health Centre,
Pandalkudi,
Aruppukottai Taluk,
Virudhunagar District.

... Respondents

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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent herein to pay a sum of Rs.10,00,000/- as compensation for failure of Tubectomy / Family Planning Operation, within the stipulated time.

For Petitioner : Mr.M.Jothi Basu
For Respondents : Mr.SRA.Ramachandran
Additional Government Pleader

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to pay a sum of Rs.10,00,000/- as compensation for failure of Tubectomy / Family Planning Operation.

2. According to the petitioner, she underwent Tubectomy operation in the Government Primary Health Centre, Pandalkudi on 09.08.2021, in order to avoid further pregnancy. After operation, she became pregnant and her health was deteriorated and she spent a sum of Rs.2,00,000/- as medical expenses. Due to the negligence of the respondents, the above said incident took place. Hence, it is the duty of the State to pay compensation for it. Therefore, she sent a representation to the

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respondents on 16.02.2022, seeking compensation. But the respondents have not taken any steps to dispose of the said representation. Hence, the petitioner has filed the present writ petition.

3. The learned Additional Government Pleader appearing for the respondents would submit that as per the direction of the Hon'ble Supreme Court, the Government of India formulated a Scheme called Family Planning Indemnity Scheme, on 01.04.2013. The Family Planning Indemnity Scheme explained that whenever the family planning operation was failed, Rs.30,000/- was sanctioned to the individual, after the approval of the District and State Indemnity Sub Committee. Hence, this writ petition is not maintainable.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. Considering the above said facts, this Court directs the first respondent to consider the petitioner's representation dated 16.02.2022 and pass appropriate orders, as per the existing law and Rules, within a period of twelve weeks from the date of receipt of a copy of this order.

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6. With the above direction, this Writ Petition is disposed of. No costs.

12.02.2024

akv

To

1.The Secretary to Government,
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Fort St. George,
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