



WP.No.12533 of 2025

WEB COPY **M.DHANDAPANI, J.**

The matter is listed today under the caption “for being mentioned” at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner submitted that this Court vide order dated 02.04.2026, issued a direction to the respondents 1 & 2 to permit the petitioner to undergo In Vitro Fertilization (IVF) treatment with the 5th respondent. However, inadvertently, it has been wrongly mentioned as 4th respondent. Hence, pays for necessary correction in the order dated 02.04.2026.

3. In view of the aforesaid submission, para- 3 of the order dated 02.04.2026 shall stand modify as under:

“3. In view of the above, there shall be a direction to the respondents 1 & 2 to permit the petitioner to undergo In Vitro Fertilization (IVF) treatment with the 5th respondent.”



4. Except the above modification, remaining portion of the order dated 02.04.2026 shall stand unaltered. Registry is directed to modify the above order and issue a fresh order copy to the parties.

08.04.2026

rli

M.DHANDAPANI, J.

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WP.No.12533 of 2025

08.04.2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

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CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 12533 of 2026

1. Nabila Abdul
2. Salim Mohamed Omar

..Petitioner(s)

Vs

1. The Secretary,
Ministry of Health and Family Welfare,
Department of Health Research,
2nd Floor, IRCS Building I,
Red Cross Road,
New Delhi.
2. The Secretary to Government,
Rep. through The Assisted Reproductive
Technology And Surrogacy Authority,
Health and Family Welfare Department,
Secretariat,
St. George Fort,
Chennai 600 009.
3. The Director,
Directorate of Medical and Rural Health Service,
No.359, DMS Complex, Anna Salai,
Chennai-6.
4. GBR Fertility Center,
HIF 1027 & 1028, 6th Main Road,
West, Mogappair Eri Scheme,



Mogappair, Chennai-37.

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..Respondent(s)

For Petitioner: Mr.A.Shabnam Banu

For Respondents: Mr.Rajesh Vivekanandan R1
Mr.K,Tippu Sulthan, GA RR2 to 4

ORDER

The learned counsel for the petitioner would submit that the petitioner has filed this writ petition seeking issuance of a Writ of Mandamus directing the respondents 1 to 4 to permit the petitioners to avail assisted reproductive technology services from the 5th respondent despite the age constraint stipulated in Section 21(g) of the Assisted Reproductive Technology (Regulation) Act, 2021 (ART Act).

2.The learned counsel appearing for the first respondent would submit that a similar provision was challenged before the First Bench of this Court in W.P No.16191 of 2024 etc., batch cases. Interim orders have also been passed in some cases, where directions have been issued by the First Bench of this Court to



allow medical examination for the purpose of ascertaining physical and emotional fitness to go through the assisted reproductive treatment. The First Bench of this Court by order dated 20.11.2025, passed an interim direction that the petitioners therein be subjected to medical examination, if not already subjected to, by the appropriate medical authority provided under the District Appropriate Authority, District ART and Surrogacy Board, if it is constituted; or by a medical board as may be nominated by the Chief Medical Health Officer of the District. Hence, this Court may list this case along with W.P No.16191 of 2024, etc., batch cases.

3. In view of the above, there shall be a direction to the respondents 1 & 2 to permit the petitioner to undergo In Vitro Fertilization (IVF) treatment with the 4th respondent.

4. List this case along with W.P No.16191 of 2024, etc., batch cases.

02-04-2026

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To

1. The Secretary,
Ministry of Health and Family Welfare,
Department of Health Research,
2nd Floor, IRCS Building I,
Red Cross Road,
New Delhi.
2. The Secretary to Government,
Rep. through The Assisted Reproductive
Technology And Surrogacy Authority,
Health and Family Welfare Department,
Secretariat,
St. George Fort,
Chennai 600 009.
3. The Director,
Directorate of Medical and Rural Health Service,
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