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W.P.No.15324 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.15324 of 2024

Dr.V.Kavitha

... Petitioner

Vs.

1.The Director,
Medical & Rural Health Service,
DMRHS Office,
Chennai – 600 006.

2.The Joint Director,
Medical and Rural Health Service,
Arani Road, Sankaranpalayam,
Vellore, Vellore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 2nd respondent to remove the seal from the petitioner Scan Centre situated at Parvathi Hospital, No.311, Malang Road, Vaniyambadi, Tirupathur District, based on the representation dated 10.05.2024.

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For Petitioner : Mr.T.Saravanann

For R1 and R2 : Mr.M.Bindran
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the 2nd respondent to remove the seal from the petitioner's Scan Centre situated at Parvathi Hospital, No.311, Malang Road, Vaniyambadi, Tirupathur District, based on the representation dated 10.05.2024.

2.It is the case of the petitioner that she is running the said Scan Centre with the requisite licence. While so, on 19.06.2019, the 1st respondent/Director, Medical & Rural Health Service, conducted an inspection in the Hospital and alleging that Section 28(1), 23(1) and Rules 6(2)(5), 8(2) of Preconception and Pre-natal Diagnostics Techniques Act,



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1994, (“PC and PNDT Act” for brevity) have been violated, the petitioner’s

Scan Centre was sealed by the respondents. Further they found that the Centre is not registered under the MTP Act, 1971, amended in 2002; the petitioner has carried out abortion for minor girls during 2nd and 3rd trimester of pregnancy with the consent letters from the mother of those minors; the ultra sound machine is used for the above purpose and hence, the USG machine is an accomplice for violation of MTP Act, 1971; images are not stored in the USG Scan machine for last two years; nominal register is not available; as per PC and PNDT Act, 1994, Board is not fixed in the Scan Room. On the basis of such alleged violations, the Scan Centre run by the petitioner was sealed by the respondents. The petitioner was also prosecuted for the said violations before the learned Judicial Magistrate, Vaniyambadi, in C.C.No.156 of 2020. The learned Magistrate, after considering the entire evidence, has found no evidence, whatsoever, as against the petitioner/accused and found that all the charges are not established against the petitioner and by judgment dated 11.12.2023,



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acquitted the petitioner/accused of all the charges. Therefore, the petitioner seeks for de-sealing of her Scan Centre.

3.Though a counter affidavit has been filed by the respondents to the effect that they have obtained legal opinion from the Assistant Public Prosecutor of Judicial Magistrate Court, Vaniyambadi, to file an appeal as against the judgment of acquittal passed by the learned Magistrate, no document is placed on record to show that an Appeal has been filed.

4.As the violations alleged as against the petitioner have been found to be false and have not been established and the Criminal Court has acquitted the petitioner/accused of all the charges, this Court is of the view that continuing the closure of the Scan Centre will not serve any purpose, rather, in fact, would take away the right of the petitioner. Therefore, the 2nd respondent is directed to de-seal the petitioner's Scan Centre immediately.



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5. With this direction, this writ petition is disposed of. No costs.

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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

1. The Director,
Medical & Rural Health Service,
DMRHS Office,
Chennai – 600 006.

2. The Joint Director,
Medical and Rural Health Service,
Arani Road, Sankaranpalayam,
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N. SATHISH KUMAR, J.

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