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WP No. 45944 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 45944 of 2025

A.Deepa

Petitioner(s)

Vs

1. The Special Secretary To The Government
Health And Family Welfare Department,
Secretariat, Fort, St.George, Chennai-600 009.

2.The Director
Directorate Of Medical And Rural Health Services,
No.359, DMS Complex, 361, Anna Salai,
Teynampet, Chennai-600 006

3.The Director
Department of Primary Health Services,
No.359, Anna Salai, DMS Campus,
Teynampet, Chennai-600 006.

4.The Director
Department of Medical Education,
No.162, Evr Periyar Salai, Kilpauk,
Chennai-600 010.

5.Dr.Archana IVF And Women Centre
Rep By Its Medical Director Cum Executive Director,
Dr.Archana S.Ayyanathan, Anna Nagar Branch,
No.44/1 Old No.196, 1st Street, Anna Nagar East,
Chennai-600 102

Respondent(s)

PRAYER; This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 2 to 4 respondents to consider petitioners representation dated 22.8.2025 and to direct the 2nd respondent to



conduct proper enquiry and to direct the 5th respondent to transfer petitioners embryo to the IVF centre of the petitioner choice with due process of law and to produce petitioners medical records to the petitioner within the stipulated time.

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For Petitioner(s): Mr.K.Kathiresan
For Respondent: Mr.E.Sundaram, GA RR1 to 4

ORDER

This petition has been filed seeking a direction to 2 to 4 respondents to consider petitioners representation dated 22.8.2025 and to direct the 2nd respondent to conduct proper enquiry and to direct the 5th respondent to transfer petitioners embryo to the IVF centre of the petitioner choice with due process of law and to produce petitioners medical records to the petitioner within the stipulated time.

2. It is the case of the petitioner that the petitioner taken IVF treatment to the 5th respondent Hospital. However, for wrong diagnosis, the treatment was not in successful. Therefore, the petitioner made application before the respondents 2 to 4 to take appropriate action as against the 5th respondent. However, till date, no order has been passed. Hence, the present writ petition.

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



4. The learned Government Advocate appearing for the respondents 1 to 4 submitted that the appropriate authority for considering the petitioner's application is Tamil Nadu Medical Council. The petitioner made application before the Medical And Rural Health Services. If the petitioner will made application before the Medical Council, the same will be considered and orders will be passed within the stipulated time as fixed by this Court.

5. Heard the learned counsel for both side and perused the materials available on record. Since no adverse order is passed against the 5th respondent, notice to them is dispensed with.

6. Admittedly, the petitioner has taken IVF Treatment before the 5th respondent and the same is ended in failure. If the petitioner has any grievance, she has to approach the Tamil Nadu Medical Council. Instead of making application before the TN Medical Council, the petitioner has made application before the first respondent. The first respondent has no power to resolve the dispute. Therefore, the prayer sought for by the petitioner cannot be granted.

7. However, this court directs the petitioner to make a fresh representation to the Tamil Nadu Medical Council, if she has any grievance. Upon receipt of such representation, the authority shall consider the same and pass appropriate orders.



8. With the above directions, the writ petition is disposed of. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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Government
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Department, Secretariat, Fort,
St.George, Chennai-600 009

2.The Director
Directorate Of Medical And Rural
Health Services, No.359, DMS
Complex 361 Anna Salai, Teynampet,
Chennai-600 006

3.The Director
Department Of Primary Health
Services, No.359, Anna Salai, DMS
Campus, Teynampet, Chennai-600 006

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