



W.P(MD)No.765 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.765 of 2023

Sumithra

... Petitioner

Vs

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Public Health and Family Welfare Department,
Fort St. George,
Chennai-600 009.
- 2.The Director,
Directorate of Medical and Rural Health Services,
No.359, DMS Complex,
Anna Salai,
Chennai-600 006.
- 3.The Joint Director,
Medical and Rural Health Services,
Usilampatti,
Madurai District.
- 4.The Deputy Director,
Medical and Rural Health Services,
Madurai.
- 5.The Joint Director,
Medical and Rural Health Services,
Madurai.



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6.Dr.Arungopi
7.Dr.Arunpandi
8.Dr.Banumathi
9.Dr.Devaki
10.Dr.Ramanan Srinivasan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 5 to pay the compensation of Rs.50,00,000/- for the medical negligence committed by the respondents 6 to 8 and further directing the respondents 1 to 5 to take appropriate criminal and departmental action as against the respondents 6 to 8 and further directing the respondents 1 to 5 to take criminal action as against the respondents 9 and 10 on the basis of the petitioner's representation dated 28.12.2022 made to the respondents 1 to 5.

For Petitioner	: Mr.M.Boominathan
For R1 to R5	: Mr.N.Ramesh Arumugam Government Advocate
For R6	: Mr.M.Saravanan
For R7	: Mr.N.Venkateshwaran
For R10	: Mr.M.P.Senthil

ORDER

This writ petition has been filed for a direction directing the respondents 1 to 5 to pay the compensation of Rs.50,00,000/- for the medical negligence committed by the respondents 6 to 8.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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3. The petitioner got married one Elangovan, thereafter she got pregnant and went to the sixth respondent and the sixth respondent confirmed the pregnancy and directed the petitioner to go and take scan and the scan report also confirmed that she got pregnant. However, when she visited further check up to the seventh respondent and he also confirmed the pregnancy of the petitioner. Further, there was no pregnancy and as such the petitioner sustained mental agony.

4. Naturally there is a chance for abortion after pregnancy, therefore, the petitioner cannot blame the doctors and scan centre, who had check the petitioner, for which, the petitioner cannot claim any compensation.

5. Therefore, the writ petition is devoid of merits and it is liable to be dismissed. Accordingly, the writ petition is dismissed. No costs.

NCC : Yes / No
Index : Yes / No
Internet : Yes
am

22.01.2025



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WEB COPY

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G.K.ILANTHIRAIYAN, J.

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Order made in
W.P(MD)No.765 of 2023

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