



W.P(MD)No.3467 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.3467 of 2023

Jansi Rani

... Petitioner

Vs

- 1.The Superintendent,
District Head Quarters Hospital,
Kovilpatti,
Thoothukudi District.
- 2.The District Collector,
Thoothukudi District, Thoothukudi.
- 3.The Joint Director,
Public Health Department (Medical),
Thoothukudi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to pay the sum of Rs.Ten lakhs (Rs.10,00,000/-) as compensation on account of medical negligence caused upon petitioner while performing the sterilization surgery which resulted further conception on the basis of the representation of the petitioner dated 02.11.2022.

For Petitioner : Mr.C.Selvakumar

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate



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ORDER

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This Writ Petition has been filed by the petitioner for a direction directing the respondents to pay compensation of Rs. 10,00,000/- for the medical negligence caused upon the petitioner while performing the sterilization surgery.

2.The petitioner got married with one Kannan and gave birth to two male children. Thereafter, the petitioner approached the first respondent to do birth control treatment and on the advice, the petitioner had undergone TAT sterilization surgery. She was also assured that the procedure would protect her from further pregnancy. But the petitioner was conceived and gave birth to a female child on 21.02.2023. It was caused only due to medical negligence on the part of the first respondent and submitted a representation seeking compensation.

3.The first respondent filed a counter-affidavit and also produced the Government Order in this regard in G.O.(Ms)No.173 issued by the Health and Family Welfare (R2) Department dated 31.05.2022. Accordingly, for the failure of sterilization, compensation is provided to the tune of Rs.60,000/-.



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4. In view of the above, the first respondent is directed to disburse the sum of Rs.60,000/- as compensation for the failure of sterilization to the petitioner in the light of G.O.(Ms)No.173, Health and Family Welfare (R2) Department dated 31.05.2022, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

31.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

1. The Superintendent,
District Head Quarters Hospital,
Kovilpatti,
Thoothukudi District.
2. The District Collector,
Thoothukudi District, Thoothukudi.
3. The Joint Director,
Public Health Department (Medical),
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G.K.ILANTHIRAIYAN, J.

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Order made in
W.P(MD)No.3467 of 2023

31.01.2025