



W.P(MD)No.8277 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8277 of 2022

Nandhini

... Petitioner

Vs.

1.The Secretary to Government,
Health and Family Welfare Department,
Chennai.

2.The Director of Medical Education
and Family Welfare Department,
Kilpauk,
Chennai.

3.The Deputy Director,
Medical Rural Development and Family Welfare Department,
Kanikarai,
Ramanathapuram.

4.The Dean,
Head Government Hospital,
Ramanathapuram.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to a. to grant a compensation to

A sum of Rs. 10,00,000/- towards the petitioner for the negligence caused in family operation by the 4th respondent hospital



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B. to grant a compensation to a sum of Rs. 10,00,000/- for the negligence of the 4th respondent caused in death of the petitioner baby by not providing medical treatment

C. to initiate appropriate action in terms of Na.Ka. No 2864/Thi/Va/2022 dated 07.01.2022 of the 4th respondent within the period that may be stipulated by this court.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.M.Gangatharan
Government Advocate

ORDER

Heard both sides.

2. The writ petitioner got married to one Suriya. Two girl children were born through the wedlock. The petitioner's husband is only a coolie worker. The petitioner underwent family planning operation on 10.06.2019. But the very next year, the petitioner conceived. The petitioner did not want to abort the pregnancy on account of sentimental reasons. On 17.12.2021, a child was delivered. But the child died on 20.12.2021. The petitioner alleges that the death of the child took place on account of medical negligence on the part of the hospital. Hence, this writ petition has been filed seeking compensation.



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3. The learned counsel for the petitioner drew my attention to the order dated 28.04.2023 made in W.P.(MD)No.4506 of 2016 and the order dated 04.10.2023 made in W.P.(MD)No.5091 of 2020. This Court had ordered the authorities to pay compensation to the tune of Rs.30,000/- as per G.O.Ms.No. 119, dated 30.05.2013. A further direction was given to pay compensation for bringing up the child.

4. In this case, since the child had passed away, the question of issuing further direction for upbringing of the child does not arise at all. Since the new born child had passed away in this case, I am not in a position to follow the aforesaid order as well as the order dated 28.04.2023 made in W.P.(MD)No. 4505 of 2016.

5. Another learned Judge vide order dated 09.01.2025 in W.P.(MD)No. 17213 of 2022 had directed the Government to pay compensation to the tune of Rs.60,000/- (including the Government of India share Rs.30,000/-). In this case, the Central Government has not been made a party.



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6. I therefore direct the respondents to pay only a sum of Rs.30,000/- as per GO. In fact, this amount of Rs.30,000/- should have been paid in the year 2020 itself. If such amount had been remitted then and there, there is no need to make any further payment. If such remittance has not been made, the said amount of Rs.30,000/- has to be remitted together with interest @ 6% per annum. It is stated that the said amount has already been remitted. The writ petition is disposed of accordingly. No costs.

04.11.2025

Index : Yes / No
Internet : Yes/ No
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To

- 1.The Secretary to Government,
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- 2.The Director of Medical Education
and Family Welfare Department,
Kilpauk,
Chennai.
- 3.The Deputy Director,
Medical Rural Development and Family Welfare Department,
Kanikarai,
Ramanathapuram.

4.The Dean,

4/6



Head Government Hospital,
Ramanathapuram.

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