



W.P.(MD)No.9179 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.9179 of 2025

T.Joy Salomi

... Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner of Police,
Madurai City,
Madurai.

3.Mr.Kottaisamy,
Inspector of Police,
Keeraithurai Police Station,
Madurai City.

4.Ravikumar

5. Sasi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondent to take necessary appropriate action against the 3rd respondent and from respondents 3 to 5 to adequate compensation given to petitioner for caused by attacked and the same miscarriage.



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For Petitioner : Mr.A.Vadivel
For R1 & R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The petitioner's parent are the tenant of the fourth respondent herein and they are having a dispute with regard to the tenancy. According to the petitioner, she is residing along with her parents in the parental home as she is pregnant. The petitioner claims that on 04.03.2025, the respondents 4 & 5 along with some unknown persons came to her house at about 3.00 p.m and attempted to evict them forcefully and they have also assaulted the petitioner and on account of that, she got miscarriage. Immediately after the incident, the petitioner has called the emergency number, based on which, the third respondent police has reached the petitioner's house and they have advised the petitioner and her parents to vacate the house. The petitioner's mother has filed a petition, under Section 10 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, before the Revenue Divisional Officer, for fixing a fair rent. According to the petitioner a civil suit in O.S.No.79 of 2025 has also been filed by the mother of the



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petitioner, before the Principal District Munsif Court, Madurai, seeking for the relief of permanent injunction. At this juncture, the petitioner has moved this writ petition, to direct the respondents 1 & 2, to take action as against the third respondent and also direct the respondents 3 to 5 to pay adequate compensation to the petitioner that due to the alleged incident, the petitioner got aborted.

2.Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor, who takes notice for the respondents 1 & 2 submits that the petitioner's mother has lodged a complaint before the respondent police and the same was treated as a petition enquiry in CSR No.166 of 2025, dated 05.03.2025. CSR No.167 of 2025 has been assigned for the compliant of the rival party. When the complainant was called for an enquiry, she has not appeared. He further submits that the enquiry reveals that there was only a wordy altercation between the petitioner's side and the fourth respondent, with regard to non-payment of rent by the petitioner's parent. Since the complainant has not co-operated for the enquiry, the complaint was closed on 16.03.2025.



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3.This Court considered the submissions of the learned counsel for the petitioner, the learned Additional Public Prosecutor and also perused the documents placed before this Court.

4.The petitioner, by referring to a document, dated 28.02.2025 submits that this petitioner had a medical check up at Vellammal Medical College Hospital and the doctor of Department of Obstetrics & Gynecology, who treated this petitioner gave a report that she is pregnant. This document, dated 28.02.2025 is with regard to the Urine Pregnancy Test, which was conducted on 28.02.2025. Thereafter, she was advised to take ultra sound test. Therefore, the petitioner has appeared before the Government Rajaji Hospital on 05.03.2025 after the alleged occurrence on 04.03.2025, wherein, she has reported chest pain and the doctor has not noted down any external injury. However, she was admitted in the Hospital and she was subjected for ultra sound test on 06.03.2025. In the report, dated 06.03.2025, it was stated that there is no sign of intrauterine pregnancy at present and the same was also confirmed



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by the Velammal Medical College Hospital. After the incident, the petitioner's mother has lodged a complaint on 08.03.2025 through post. Urine Pregnancy test is only a preliminary diagnostic modality to detect the presence of human chorionic gonadotropin in a woman's urine and it is not a conclusive proof of pregnancy.

5.This Court is of the view that though the petitioner claims that she was pregnant at the time of alleged incident and on account of the incident, she got aborted, she has not substantiated the same with proper medical records. With the available materials/medical records, this Court cannot come to a conclusion that this petitioner was pregnant at the time of occurrence and she got aborted due to the alleged occurrence, said to have taken place on 04.03.2025. Therefore, this Court, under Article 226 of Constitution of India, cannot order for compensation. In the event, if any case has been registered for the alleged incident taken place on 04.03.2025, the same may be enquired by the respondent police and a decision can be taken on the complaint of this petitioner.



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6.With the above observations, this writ petition is

closed. No costs.

27.06.2025

Index:Yes
Internet:Yes
vrn

To

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Madurai.
- 2.The Commissioner of Police,
Madurai City,
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B.PUGALENDHI, J.

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