



W.P(MD)No.17213 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.17213 of 2022

Pradeepa

... Petitioner

Vs

1.The State of Tamil Nadu,
Represented by its Secretary,
Health and Family Welfare Department,
St. George Fort,
Chennai.

2.The District Collector,
Ramanathapuram,
Ramanathapuram District.

3.The Superintendent,
Rural Health Service and Family Welfare Department,
Ramanathapuram,
Ramanathapuram District.

4.The Medical Officer/in-Charge Person,
Government District Quarters Hospital,
Ramanathapuram,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents herein to pay compensation on the basis of the representation of the petitioner dated 19.07.2022 within a stipulated time in accordance of law.



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For Petitioner : Mr.C.Senthil Murugan

For RR 1, 2 & 4 : Mr.N.Ramesh Arumugam

ORDER

This Writ Petition has been filed by the petitioner for a direction directing the respondents to pay compensation on the basis of the representation submitted by the petitioner dated 19.07.2022.

2.The petitioner got married to one Lenin Kumar and gave birth to a male child in the year 2016. Once again she gave birth to another male child on 11.07.2018 in the fourth respondent Hospital. Simultaneously, she had undergone family planning surgery. However, once again she got conceived and admitted in the fourth respondent Hospital due to foetus was formed in her womb. Therefore, her pregnancy was aborted by the fourth respondent. Now, the petitioner filed a representation to the respondents seeking compensation.



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3.In view of G.O.Ms.No.173, Health and Family Welfare (R2) Department, dated 31.05.2022, ordered compensation in the case of failure of sterilization, the victim is entitled for compensation to the tune of Rs.60,000/- (the Government of India share Rs. 30,000/- + State share Rs.30,000/-).

4.In view of the above, the fourth respondent is directed to pay the compensation of Rs.60,000/- 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.

09.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

- 1.The Secretary,
Represented by the State of Tamil Nadu,
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Chennai.
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Ramanathapuram District.
- 3.The Superintendent,
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G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.17213 of 2022

09.01.2025