



W.P(MD)No.17665 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.17665 of 2025

Kesavan

... Petitioner

Vs.

1. The Secretary,
Health Department,
Secretariat,
Fort St.George,
Chennai.
2. The Dean,
Government Rajaji Hospital,
Madurai.
3. The Inspector of Police,
Vadipatti Police Station,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 2nd respondent to medically terminate the pregnancy of the petitioner's daughter in accordance with the Medical Termination of Pregnancy Act, 1971 as expeditiously as possible.

For Petitioner : Mr.S.Satheesh Kumar

For R1&R2 : Mr.M.Lingadurai
Special Government Pleader

For R3 : Mr.M.Aasha
Government Advocate (Criminal side)



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ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Mandamus to direct the 2nd respondent to medically terminate the pregnancy of the petitioner's daughter in accordance with the Medical Termination of Pregnancy Act, 1971 as expeditiously as possible.

2.The issue is already considered elaborately by a Learned Single Judge in W.P.No.2237 of 2025, vide order, dated 27.01.2025 and has issued directions. The said directions are extracted hereunder:

"21. In view of the discussions made earlier, this Court is inclined to issue following directions:

(a) The Dean of the second respondent Medical College is directed to arrange for medical termination of the pregnancy of the petitioner's daughter "S" and complete the procedure as expeditiously as possible, by taking into consideration the best interest of the minor girl;

(b) In view of the fact that the criminal case is pending investigation in Crime No.1 of 2025 under the provisions of POCSO Act, the second respondent shall preserve the fetus for carrying out DNA/medical test, if any, for the purpose of criminal case. The first respondent is entitled to utilise the fetus preserved by the second respondent for the purpose of investigation."

3.Therefore, this Court is of the considered opinion that the termination can be carried out after obtaining report from the Medical Board



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attached with the Dean. Therefore, the petitioner is directed to take his daughter to the Medical Board which is to be constituted by the second respondent.

Thereafter, based on the report, the pregnancy may be terminated at the earliest.

Since criminal case is pending in the present case, the 1st respondent is directed to preserve the fetus for carrying out DNA test and medical tests for the purpose of investigation of the criminal case.

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

27.06.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

Tmg

Note: Issue order copy on 30.06.2025.



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To

1. The Secretary,
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Chennai.
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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.17665 of 2025**

DATED : 27.06.2025