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W.P.No.11354 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

W.P.No.11354 of 2026

and WMP.No.12355 of 2026

1. Balakrishnan

2. Arulmozhi

...Petitioner(s)

Vs

1. The Additional Secretary to Government
The Assistant Reproductive Technology &
Surrogacy Authority, Health and Family
Welfare Department, Secretariat,
Fort St.George, Chennai. 600009

2. The Joint Director of Health Service
Authority under Assisted Reproductive
Technology (Regulation) Act, 2021 &
Surrogacy (Regulation) Act, 2021,
Tirupur District, Tirupur.

3. The District Medical Board
Constituted under Assisted Reproductive
Technology (Regulation) Act, 2021 &
Surrogacy (Regulation) Act 2021,
Tirupur District, Tirupur.



WEB COPY



W.P.No.11354 of 2026

...Respondent(s)

PETITION under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the respondents to consider and issue eligibility certificate for the petitioners being intending couple to undergo the surrogacy procedure under Assisted Reproductive Technology (Regulation) Act 2021 and Surrogacy (Regulation) Act 2021 on the basis of petitioners' representation dated 12.1.2026.

For Petitioners:	Mr.M.Himavanth
For Respondents:	Mr.K.Tippusulthan, GA

ORDER

This is a petition filed by the petitioners seeking a direction to the respondents to consider their representation dated 12.1.2026 and issue an eligibility certificate for them to undergo surrogacy procedure under the Assisted Reproductive Technology (Regulation) Act, 2021 and the Surrogacy (Regulation) Act, 2021.

2. Heard the learned counsel for the petitioners and the learned



W.P.No.11354 of 2026

Government Advocate accepting notice for the respondents.

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3. The case of the petitioners is as follows:

The petitioners are husband and wife. In another four years, the first petitioner will become a senior citizen. Their only son - one Mr.Haripravin succumbed to the injuries sustained in a road accident occurred on 24.8.2025. Hence, the petitioners decided to have a child, for which, they were advised to secure an eligibility certificate under the Assisted Reproductive Technology (Regulation) Act, 2021 and the Surrogacy (Regulation) Act, 2021. The petitioners are having sufficient means to bring up a child. Pursuant to the decision taken, the petitioners sent a representation dated 12.1.2026 to the respondents seeking an eligibility certificate in order to undergo the surrogacy procedure under the Statute. But, it did not evoke any response. Hence the writ petition.

4. Considering the limited nature of the relief sought for and without expressing any opinion on the merits of the case, the writ petition is disposed of with a direction to the respondents to consider the petitioners' representation dated 12.1.2016 on merits and pass appropriate



W.P.No.11354 of 2026

WEB COPY

orders thereon in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

27-03-2026

RLI

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1. The Additional Secretary to Government
The Assistant Reproductive Technology and
Surrogacy Authority,
Health and Family Welfare department,
Secretariat, Fort St.George, Chennai 09
2. The Joint Director of Health Service
Authority under assisted Reproductive
Technology (Regulation) Act 2021 and
Surrogacy (Regulation) Act 2021 ,
Tirupur district, Tirupur
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WEB COPY



W.P.No.11354 of 2026



WEB COPY



W.P.No.11354 of 2026

M.DHANDAPANI, J.

RLI

W.P.No.11354 of 2026

27-03-2026

Page 6 of 6