



WEB COPY

WP CrI. No. 940 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 24-04-2026**

CORAM

**THE HON'BLE MR JUSTICE M. NIRMAL KUMAR**

**WP CrI. No. 940 of 2026**

**AND**

**WPMP CRL. NO. 309 OF 2026**

S.Asha  
W/o.Suriya,  
No.351, Mariamman Koil Street,  
Therkumelmampattu,  
Kadayampuiyur,  
Panruti Taluk,  
Cuddalore District.

..Petitioner

Vs

1. The District Collector,  
Cuddalore District,  
Cuddalore.
2. The District Superintendent of Police,  
Cuddalore District,  
Cuddalore.
3. The Inspector of Police  
New Town Police Station,  
Cuddalore District.
4. The Dean  
Jipmer Hospital,  
Puducherry.

..Respondents

**WPMP CrI. No. 309 of 2026**

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W/o.Suriya,  
No.351, Mariamman Koil Street,  
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..Petitioner(s)

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..Respondent(s)

### **WP CrI. No. 940 of 2026**

Prayer: This Writ petition is filed under Article 226 of the Constitution of India to issue a WRIT OF MANDAMUS to direct the respondents 2 and 3 to arrange a team of Doctors to conduct Postmortem of the Child YUVANTHIKA 6 months in JIPMER Hospital, Puducherry, in all fairness by permitting a Doctor of petitioner choice to participate the Postmortem of the child by consider the representation of the petitioner dated 15.04.2026 in accordance with law to secure the ends of justice and pass such further or other orders as this court.

### **WPMP CrI. No. 309 of 2026**

To grant INTERIM DIRECTION, directing the Respondents 2 and 3 to appoint a team of Doctors to conduct Postmortem of the Child YUVANTHIKA 6 months Date of birth of the child 15.11.2025 in JIPMER Hospital, Puducherry and permitting a Doctor of Petitioners choice to associate during the ensuing Postmortem to be conducted in JIPMER Hospital, Puducherry, pending disposal of the above Writ Petition.



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For Petitioner(s):

A.Ramesh

For Respondent(s):

Mr.Leonard Arul Joseph Selvam,  
Addl.Public Prosecutor For R2 & R3**Order**

This writ petition has been filed on the basis of a representation dated 15.04.2026 submitted by the petitioner, seeking a direction for conduct of postmortem on the body of her deceased minor child, aged about 6 months, who is stated to have died while under treatment in the Government Hospital, Cuddalore.

2. The case of the petitioner, as set out in the affidavit, is that on 10.04.2026 at about 10.30 a.m., the petitioner's second daughter, an infant aged about six months, was taken for medical treatment, at which point a nurse at Marungur informed that the child was suffering from malnutrition. Thereafter, the infant was taken to the Government Hospital, Cuddalore, for further treatment. It is the specific grievance of the petitioner that no treatment was administered for malnutrition and, on the contrary, the doctors informed that the child was suffering from other ailments. Blood tests and X-ray examinations were conducted, and the petitioner was informed that the child was in a normal condition. It is further stated that at about 10.45 a.m., a lady doctor also confirmed that the child was fine.



3. According to the petitioner, on 12.04.2026, the doctors advised discharge of the child, and accordingly, the infant was discharged on 13.04.2026. However, on the very same day at about 7.00 a.m., the child developed complications and was taken back to the hospital. The petitioner would allege that despite the emergent condition, no effective or timely treatment was administered. It is further alleged that the child was taken inside the examination room by a lady doctor and thereafter, the petitioner was informed that the child had died. The body of the deceased infant was shown to the parents only at about 8.30 a.m.

4. The petitioner and her husband, being deeply aggrieved by the sudden and unexplained death of the child, have expressed serious suspicion of medical negligence, lack of due care and dereliction of duty on the part of the medical professionals attached to the said Government Hospital. The petitioner has further stated that she has lost confidence in the doctors of the said hospital and therefore, seeks an independent and impartial postmortem to be conducted at Jawaharlal Institute of Postgraduate Medical Education and Research, Puducherry, in order to ascertain the true cause of death. The petitioner has also sought for appropriate action to be initiated against the erring officials, including under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, if warranted.



5. The learned Additional Public Prosecutor appearing for the respondents 2 and 3 would submit that the respondents have no objection for conducting the postmortem at JIPMER Hospital, Puducherry.

6. The learned counsel appearing for the petitioner, at this stage, would further request that the entire postmortem proceedings be video-graphed so as to ensure transparency and to enable the petitioner to avail appropriate legal remedies, if necessary.

7. Considering the nature of allegations made by the petitioner, particularly the plea of medical negligence and the expressed lack of confidence in the local Government Hospital and taking into account the submission made by the learned Public Prosecutor that there is no objection for conduct of postmortem at an independent institution, this petition is **disposed of** the following directions:

(i) there shall be a direction to the respondents & 3/ police to forthwith send a requisition to the Dean, Jawaharlal Institute of Postgraduate Medical Education and Research, Puducherry, seeking fixation of an appropriate date and time for conduct of postmortem.



(ii) Upon such intimation, the respondents/ police shall ensure that the body of the deceased infant is transported, under proper escort and in accordance with law, to JIPMER Hospital, Puducherry.

(iii) The Dean, JIPMER, Puducherry, is requested to constitute a team of not less than two qualified and competent doctors to conduct the postmortem. The entire postmortem procedure shall be duly video-graphed in a proper and continuous manner, and the videography shall form part of the record.

(iv) The postmortem report, along with the videography and all connected materials, shall be preserved and forwarded to the jurisdictional investigating agency without delay, to enable further course of action in accordance with law.

(vi) The above exercise shall be carried out expeditiously and, in any event, at the earliest possible time, without any undue delay.

(vii) the connected miscellaneous petition is closed. There shall be no order as to costs.

**24-04-2026**

**Note: Issue the order copy today.**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

JRS



To

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4. The Inspector of Police  
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5. The Dean  
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6. The Public Prosecutor,  
High Court of Madras.



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**M.NIRMAL KUMAR J.**

**JRS**

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