



W.P.(MD) No. 18415 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 18415 of 2026

XXXX

... Petitioner

vs.

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
2. The District Collector
Sivagangai,
Sivagangai - 630 562.
3. The Dean
Sivagangai Medical College and Hospital,
Sivagangai District - 630 561.
4. The Inspector of Police
All Women Police Station,
Manamadurai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for



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issuance of Writ of Mandamus directing the 3rd respondent to initiate the medical termination of pregnancy of the petitioner in accordance with the provisions of the Medical Termination of Pregnancy Act, 1971, by considering the petitioner's representation dated 26.06.2026, as expeditiously as possible and within such time as may be stipulated by this Court.

For petitioner : M/s.M.Oviya

For R1 to R3 : Mr.R.Parthiban
Counsel for State of TN (Crl.Side)

For R4 : Mr.S.Arun Arockia Samy
Government Advocate (Crl.Side)

ORDER

This Writ Petition is taken up for hearing at the time of admission with the consent of the learned counsel for the petitioner and learned Counsel for State of TN (Crl.Side) for the respondents 1 to 3 and the learned Government Advocate (Crl.Side) for the fourth respondent.

2. This Writ Petition has been filed for a Writ of Mandamus directing the third respondent to initiate the medical termination of pregnancy of the petitioner in accordance with the provisions of the Medical Termination of Pregnancy Act,



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1971, by considering the petitioner's representation dated 26.06.2026.

3. The petitioner appears to have contracted pregnancy and had earlier approached Jegan Private Hospital, Madurai and thereafter, was diverted to the Government Rajaji Hospital, Madurai, to undergo medical termination of pregnancy. It appears that the said hospital had examined the petitioner and discharged her on 24.06.2026 and thereafter, the petitioner approached the third respondent for medical termination of pregnancy. The third respondent has, however, declined to terminate the pregnancy.

4. Meanwhile, an FIR has been registered in Crime No.13 of 2026 dated 25.06.2026 under Sections 69 and 88 of the Bharatiya Nyaya Sanhita, 2023. The petitioner has also approached this Court to direct the fourth respondent not to harass the petitioner or the person, who has been accused in the said complaint by filing Crl.O.P.(MD) No.12468 of 2026.

5. The said case was listed for admission on 29.06.2026. It appears that the petitioner has been advised to file another criminal original petition to quash the



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FIR in Crime No.13 of 2026 and steps to that effect are being taken.

6. Meanwhile, the petitioner, who is reportedly carrying the fetus and is 16 weeks pregnant, submits that the pregnancy has to be terminated in accordance with the provisions of the Medical Termination of Pregnancy Act, 1971, as otherwise there should be risk to the petitioner as also her fetus.

7. The learned Counsel for State of TN (Crl.Side) for the respondents 1 to 3 submits that the petitioner has not presented herself before the second respondent and therefore, there is no scope for the relief sought for in this case. He further submits that if the petitioner presents herself before the third respondent, she will be examined and suitable steps will be taken strictly in accordance with the provisions of the Medical Termination of Pregnancy Act, 1971.

8. The learned Government Advocate (Crl.Side) for the fourth respondent, on instructions, submits that FIR has been registered in Crime No.13 of 2026 based on the statement recorded from the petitioner against the person who got her pregnant. It is submitted that the fourth respondent is carrying its obligation



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strictly in accordance with the provisions of Bharatiya Nagarik Suraksha Sanhita, 2023.

9. Having considered the submissions made by the learned counsel for the petitioner, learned Counsel for State of TN (Crl.Side) for the respondents 1 to 3 and the learned Government Advocate (Crl.Side) for the fourth respondent and taking note of the fact that the petitioner is already 16 weeks pregnant with the fetus, this Court directs the third respondent to take immediate steps for medical termination of pregnancy of the petitioner strictly in accordance with the provisions of the Medical Termination of Pregnancy Act, 1971.

10. The fourth respondent shall give suitable protection required for the petitioner for her treatment for MTP with the third respondent. It will be the responsibility of the respondents 3 and 4 to ensure that the petitioner is given adequate protection and treatment properly in accordance with law.

11. If the petitioner shall admit herself with the third respondent by tomorrow, the third respondent shall take appropriate steps for the termination of



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pregnancy of the petitioner in accordance with law.

12. This Writ Petition is disposed of, with the above observations. No costs.

Index : Yes / No

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Internet : Yes / No

apd

Note: Issue on 01.07.2026.

To

1. The Principal Secretary to Government,
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C.SARAVANAN, J.

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