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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

Case QR

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 28856 of 2023

CNR:{HCMA011583812023}

M.Sangeetha
W/o Mohan No 6 Thikkakulam, Ayanavaram
Vhennai 600 023

..Petitioner(s)

Vs

1. The State Rep By Its Principal Secretary To Government
   Family Planning And Social Wefare Department, Secretariat, Fort St. George
   Chennai 600 009

2. The Deputy City Medical Officer / Joint Director
   Medical Services Department Greater Chennai Corporation Ripon Building Campus Chennai 600 003

3. The Deputy City Medical Officer / Deputy Director
   Medical Services Department Anna Nagar Medical Zone, Zone - 8 Greater Chennai Corporation No 13b / 36b Pulla Avenue, Shenoy Nagar, Chennai 600 030

4. The Chief Medical Officer
   Corporation Maternity Hospital, Ayanavaram
   No 29, United India Colony, Market Street 1st Main Road, Ayanavaram Chennai 600 023

5. Dr. Vanitha
   Corproation Maternity Hospital Ayanavaram

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No 29 United India Colony Market Street, 1st Main Road, Ayanavaram Chennai 600 023

6. Tamil Nadu Medical Council
No. 959 & 960, Poonamallee High Rd,
Purasaiwakkam, Chennai, Tamil Nadu 600084
(R.6 - Suo Motu impleaded as per the order dated 05.11.2026

..Respondent(s)

Prayer: Directing the Respondents 1 to 4 to take appropriate action against the 5th Respondent for her medical negligence and carelessness in the tubectomy surgery of the petitioner at the 4th respondents hospital.

For Petitioner(s): M/s.C.V. Salin Nisha

For Respondent(s): Mrs. Indhu Karunakaran, SGP for R1, R5 & R6

Mrs.Nithya Muthukumaraswamy for R2 to R4

ORDER

This Writ Petition has been filed for the following reliefs:-

"Directing the Respondents 1 to 4 to take appropriate action against the 5th Respondent for her medical negligence and carelessness in the tubectomy surgery of the petitioner at the 4th respondents hospital."

2. The petitioner would submit that she got married to one Mohan on 01.02.2008 and has two male children, namely Sanjay and Santhosh. Her second delivery took place on 04.09.2010 at the 4th respondent Corporation

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Maternity Hospital, Ayanavaram, through Caesarean section. On the same day, she also underwent Lower Segment Caesarean Section (LSCS) with Tubectomy, for which a sterilisation certificate was issued by the hospital. She was admitted as an inpatient from 04.09.2010 to 23.09.2010 and thereafter attended follow-up check-ups.

3. The petitioner would submit that, even after discharge, she continued to suffer from severe abdominal pain, menstrual bleeding and physical discomfort, resulting in considerable weight loss. Despite undergoing treatment at various hospitals, her health condition did not improve. Subsequently, due to severe abdominal pain and vomiting, she approached Kilpauk Government Hospital on 03.01.2022, where scanning and X-ray revealed the presence of a surgical needle measuring approximately 5 cm inside her abdomen.

4. The petitioner would submit that she was informed that the surgical needle had been left inside her abdomen during the surgery performed at the 4th respondent hospital. Consequently, she was admitted as an inpatient from 03.01.2022 to 12.01.2022 and underwent another surgery for removal of the needle. The said incident caused her severe physical pain, mental agony and financial hardship, as she was compelled to borrow money for her medical treatment.

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5. The petitioner would submit that the 5th respondent, Dr. Vanitha, had performed the Caesarean section and Tubectomy surgery at the 4th respondent hospital and that the surgical needle was allegedly left inside her abdomen due to negligence and carelessness during the procedure.

6. The petitioner would submit that she lodged a complaint before the Commissioner of Police, Chennai, on 15.06.2022, which was forwarded to K2 Ayanavaram Police Station. However, no effective action was taken. She also submitted an RTI application dated 30.11.2022 seeking details of the treatment and the doctor who performed the surgery. Though the application was forwarded to the 3rd respondent on 09.12.2022, the required information was not furnished.

7. The petitioner would further submit that she submitted a representation dated 02.08.2023 to the respondents seeking appropriate action against the 5th respondent for the alleged medical negligence. However, the respondents have neither conducted a proper enquiry nor initiated any action against the 5th respondent. Hence, the petitioner is before this Court seeking the reliefs stated supra.

8. Heard the learned counsel on either side and perused the records.

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9. The main argument advanced on the side of the respondents was that the petitioner has approached this Court 12 years after the surgery and further that till 2022 she had not taken any steps despite her contention that she has been suffering immense pain.

10. This Court cannot lose sight of the fact that the petitioner belongs to the lower strata of society, her husband being a daily wage labourer. That apart, the petitioner could have least imagined that a surgical needle would have been left inside her abdomen after her earlier surgery. The petitioner had apparently put up with the pain, as her economic condition did not permit her the luxury of seeking medical treatment. The presence of the needle in her abdomen was discovered by another Government Hospital, namely, Kilpauk Medical College Hospital. The discharge summary issued to the petitioner by the said Hospital takes note of her earlier medical history and records and except for the surgery performed at the 4th respondent Hospital, namely, LSCS with Tubectomy, the petitioner had not undergone any other surgery. The intra-operative findings dated 06.01.2022 record the presence of a needle measuring 5 cm on the left side of the abdomen. This finding clearly exposes the callous manner in which the surgery was performed. This incident definitely requires an investigation. This Court cannot overlook the negligence on the part of the 4th respondent Hospital and the suffering endured by the petitioner solely on the ground that she had approached the Court belatedly.

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11. Therefore, the 6th respondent herein, who has now been suo motu impleaded, shall issue notice to the 5th respondent and the petitioner and after hearing both parties shall pass necessary orders on the representation of the petitioner. It is needless to state that the 6th respondent shall take into consideration the entire records relating to the petitioner's delivery at the 4th respondent hospital and the report of the Kilpauk Medical College Hospital. The said exercise shall be concluded within a period of 2 months from the date of receipt of a copy of this order. No costs.

05-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SHR

To

1. The State Rep By Its Principal Secretary To Government
   Family Planning And Social Welfare Department, Secretariat, Fort St. George Chennai 600 009
2. The Deputy City Medical Officer / Joint Director
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