

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI  
AND  
THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.7562 of 2020

A.Amal Antony

.. Petitioner

Vs.

1. The Secretary to Government,  
Department of Health,  
Government of India,  
New Delhi.
2. The Chief Secretary to Government,  
Government of Tamil Nadu,  
Secretariat, Chennai 600 009.
3. The Secretary to Government,  
Department of Health,  
Government of Tamil Nadu,  
Secretariat, Chennai 600 009.
4. The District Collector,  
Trichy District,  
Tiruchirappalli 620 001.

... Respondents

Prayer : Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents (i) to form a Committee to conduct Covid-19 tests on the homeless people who are sleeping on roads/pathways and to treat them accordingly, (ii) to make RT-PCR testing free of Covid-19 testing or to charge an affordable price of Rs.500/- or less, and (iii) to establish Mobile Covid-19 testing booths "Mobile BSL-3 VRDL Lab" and approved by the Indian Council of Medical Research (ICMR) in each districts of Tamil Nadu and particularly most affected areas of Covid-19.

For Petitioner : Mr.G.Abraham Prabhu

For Respondents: Mr.C.V.Ramachandra Murthy,  
Senior Central Govt. Panel Counsel  
for R1

Mr.Jayaprakash Narayanan,  
Government Pleader for RR 2 to 4

O R D E R

(Order of the Court was made by Pushpa Sathyanarayana, J.)

The Court was held by Video Conference, in terms of the Resolution of the Full Court dated 30th April 2020, by Judges from their respective residence offices, where minimum staff made available and the counsel, staff of the Court appearing from their respective residences.

2. This Public Interest Litigation is filed seeking directions to the respondents, (i) to form a Committee to conduct Covid-19 tests on the homeless people who are sleeping on roads/pathways and to treat them accordingly, (ii) to make RT-PCR testing free of Covid-19 testing or to charge an affordable price of Rs.500/- or less, and (iii) to establish Mobile Covid-19 testing booths "Mobile BSL-3 VRDL Lab" and approved by the Indian Council of Medical Research (ICMR) in each districts of Tamil Nadu and particularly most affected areas of Covid-19.

3. The claim of the petitioner, who is a practising Advocate, is that the tests that have been done by the Government for the COVID-19 is not sufficient to meet the requirements of the masses, on account of the density of the population of the State. It is stated that as on the date of filing the writ petition, only 30 public test centres and 11 private centres have been accorded permission by the Indian Council of Medical Research (ICMR) for testing COVID-19 and the fee charged by the private centres is around Rs.4,500/- (Rupees Four Thousand and Five Hundred only), which is not affordable for the homeless people. The petitioner also stated that the Defence Research and Development Organization (DRDO) in collaboration with the Employees' State Insurance Corporation Medical College and Hospital, Sanathnagar (Hyderabad), under the Ministry of Labour, Government of India, has developed India's first COVID-19 sample collection mobile lab named "Mobile BSL-3 VRDL Lab", which was approved by ICMR, and the said facility may be extended to the downtrodden people. Since the number of persons affected with COVID-19 is on the rise in the State, the petitioner seeks the above directions.

4. A counter-affidavit has been filed on behalf of the first respondent by the Senior Regional Director, Health and Family Welfare, Government of India, Chennai, narrating all possible steps taken by the Government of India to combat the COVID-19 pandemic. It is also stated that the Hon'ble Supreme Court in the order dated 13.04.2020 in W.P.(C) (Diary) No.10816 of 2020 (Shashank Deo Sudhi V. Union of India and Others) dealt with the similar prayer made by the petitioner. It is also submitted that the mobile testing is not feasible one and steps have been taken to test all the economically not self-sufficient people in all possible manner.

5. The State Government also filed status reports explaining the steps taken in this regard.

6. A perusal of the counter and the status reports makes it clear that the Central and State Governments have been taking all necessary steps for extending COVID-19 testing facility to more and more people day by day. Thus, the prayers sought for by the petitioner are satisfied.

7. Recording the submissions of the learned Senior Central Government Panel Counsel and the learned Government Pleader and the petitioner being satisfied that the prayers sought for are complied with, this writ petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

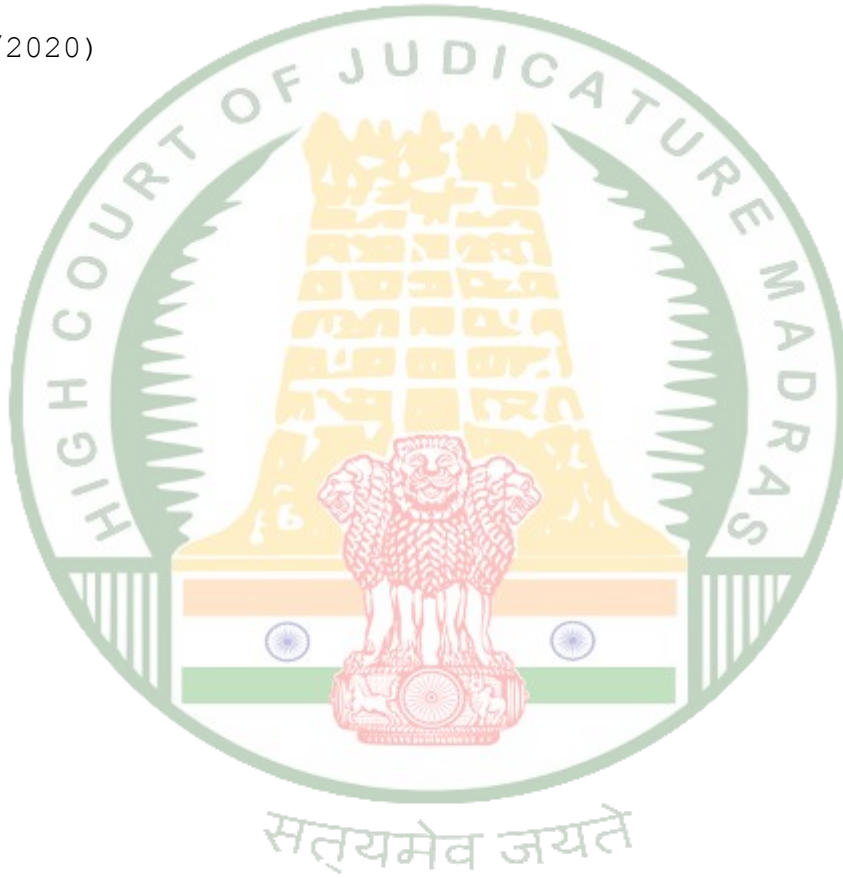
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RSV(CO)  
RMP(17/08/2020)



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