

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

WP.No.7646 of 2020

T.S.K.Mayuri

Founder of Kalvikkadavul Kamaraj Trust

Petitioner

Versus

1.The State of Tamil Nadu

rep.by the Chief Secretary,
Secretariat, Fort St.George,
Chennai 600 009.

2.The Chief Secretary to Government,

Corporation, Food and Consumer Protection Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai 600 009.

3.The Chief Secretary to Government,

Chief Minister's Public Relief Fund,
Finance (CMPRF) Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai 600009.

Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to provide a relief amount of Rs.5000/-.

For Petitioner : Ms.D.Prasanna

For R1 : Mr.R.Udhayakumar
For RR 2 to 4 AGP for Respondents

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

The petitioner claims to be the Founder of Kalvikkadavul Kamarajar Trust, Tondiarpet, Chennai 600 081 and she came forward to file this Writ Petition styled as a Public Interest Litigation, stating among other things as to the out break of pandemic COVID-19 virus and its implications.

2.The primordial grievance expressed by the petitioner is that on account of the out break of the said pandemic virus, everybody is affected, especially the poor and downtrodden and she has also sent a representation

dated 10.05.2020 to the respondents 1 to 3, stating among other things that due to economic devastation caused by the lock down announced by the Government to tone down / halt the spread of pandemic virus, the weaker section of the community especially the informal workers as well as Micro, Small and Medium Enterprises, farmers as well as self employed have been affected and therefore, prays for a positive direction, directing the respondents to provide a sum of Rs.5,000/- to each of them.

3.This Court heard the submissions of Ms.D.Prasanna, learned counsel appearing for the petitioner and he would submit that though some amount has been provided by the Government, in the light of the complete lock down, the persons who are eking out their livelihood, especially, the unorganised sector, are put to extreme difficulties, hard ships and considering the present inflammation trend, the sum now offered by the respondents is wholly inadequate and therefore, the petitioner as a public interest litigant, is constrained to approach this Court, praying for a positive direction.

4.This Court heard the submission of Mr.R.Udhayakumar, learned Additional Government Pleader appearing for the official respondents who would submit that this Court can take judicial notice of the fact that on account of the complete lock down, industries are not functioning and as a consequence, the revenue of the State is also affected and with great difficulty, the State Government is diligently managing its finances and providing reliefs to the persons in the unorganised sector and

also drawn the attention of this Court to G.O.Nos.86, 89 and 95 of the Labour and Employment Department dated 17.04.2020, 21.04.2020 and 28.04.2020 respectively as well as G.O.Ms.No.238, Public [Special B] Department, dated 16.04.2020 and prays for dismissal of this Writ Petition.

5.This Court paid its best attention to the rival submissions and also perused the materials placed before it.

6.As rightly pointed out by Mr.R.Udhayakumar, learned Additional Government Pleader appearing for the official respondents that on account of complete lock down announced by the State Government, industries are not functioning and the State Government is also not generating enough revenue on its own. It is also brought to the knowledge of this Court by the learned Additional Government Pleader that the Central Government is also providing some relief and the State Government is also diligently managing the affairs.

7.It is also the endeavour of the State Government to provide relief to the persons especially belonging to the unorganised sector and in the considered opinion of this Court, the State Government is also doing its best to alleviate their problems.

8.The provision of financial aid, in the considered opinion of this Court, falls within the domain of policy decision of the Government and this Court cannot issue any positive direction by directing the official respondents to pay a sum of Rs.5,000/- to each of the aggrieved persons and it also requires enumeration.

9.In the light of the above facts and circumstances, this Court is not in a position to issue any positive direction to the official respondents. However, the official respondents are directed to take decision on the prevailing facts and circumstances as expeditiously as possible.

10.The Writ Petition is dismissed, subject to the above observations. No costs.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

AP

To

1.The Chief Secretary,

State of Tamil Nadu, Secretariat, Fort St.George,
Chennai 600 009.

2.The Chief Secretary to Government,

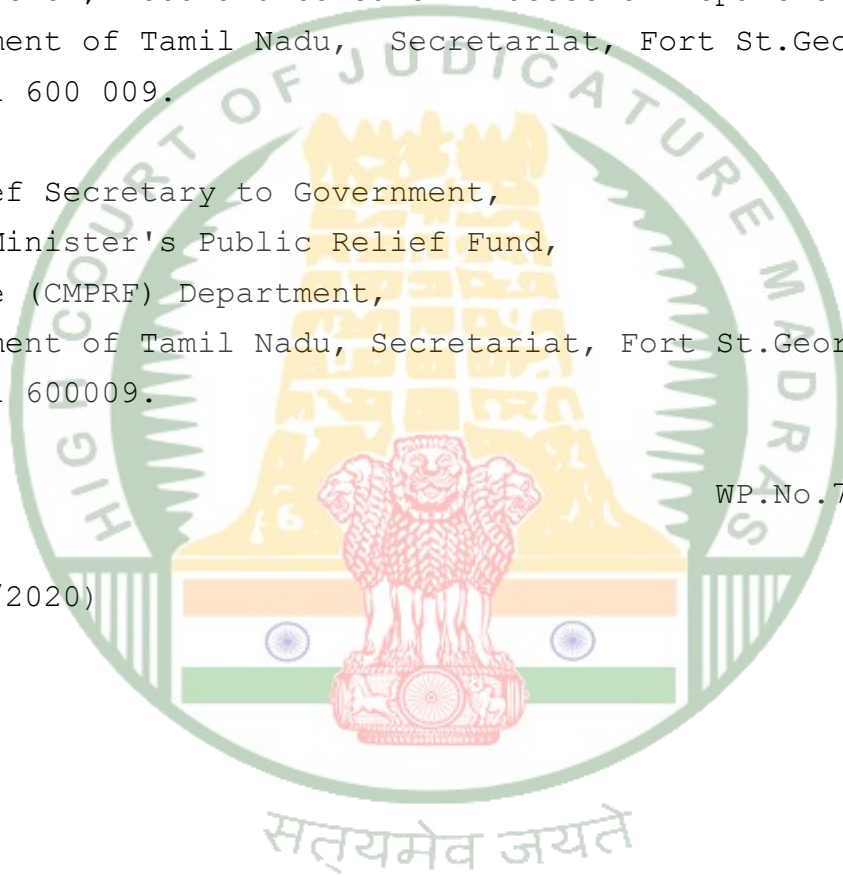
Corporation, Food and Consumer Protection Department,
Government of Tamil Nadu, Secretariat, Fort St.George,
Chennai 600 009.

3.The Chief Secretary to Government,

Chief Minister's Public Relief Fund,
Finance (CMPRF) Department,
Government of Tamil Nadu, Secretariat, Fort St.George,
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VSN(CO)
GMY(11/06/2020)



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