

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.7654 of 2020

V.Muthukumaran ... Petitioner

Versus

1.The Secretary to Government of Tamil Nadu  
Health & Family Department, Secretariat,  
Fort St George, Chennai 600 009.

2.The Director of Medical Science  
DMS Compound, Chennai.

3.The District Collector,  
Ariyalur District, Ariyalur.

4.The Superintendent of Police  
Ariyalur District, Ariyalur.

... 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 constitute a special team to identify the 3000 number of immigrant workers who worked in the Koyambedu Market at Chennai, till the closure of market on last week and who have returned to their respective homes at the Ariyalur District violating the quarantine Rules and to quarantine the said workers and to subject them for isolation and for early diagnosis without any further delay.

For Petitioner : Mr.R.Gokula Krishnan

For Respondents: Mr.V.Jayaprakash Narayan, GP

ORDER

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

- (1)The petitioner claims to be a practicing lawyer and a native of Ariyalur District and according to the learned counsel for the petitioner, there is sudden spurt/increase in persons affected due to COVID-19 pandemic virus for the reason that most of them are eking out their livelihood as labourers/purchasing vegetables in Koyambedu Wholesale Vegetable Market at Chennai and it also appeared in newspapers as news items that on account of non-adherent to the social distancing norms and not taking precaution, there is a spurt and therefore, came forward to file the present writ petition, styled as a Public Interest Litigation, praying for a positive mandamus, by directing the respondents to constitute a special team to identify 3000 number of migrant workers who work in Koyambedu Wholesale Vegetable Market at Chennai, till the closure of the Market on the last week and who went to Ariyalur violating the quarantine rules and to quarantine the said workers and subject them for isolation and for early diagnosis without any further delay.
- (2)This is a one more writ petition filed by a person claiming to be a practicing advocate without doing any home work and it appears to be a publicity interest litigation.
- (3)The petitioner also did not disclose as to the social causes / work done by him in the hour of crisis and therefore, this Court is also having its own doubt as to the locus standi of the petitioner to file this public interest litigation.
- (4)The Public [Special B] Department in G.O.Rt.No.1179 dated 31.03.2020 for the purpose of ensuring the movement of essential goods and services in the State during COVID-19, had formed 11 Coordination Teams and Team No.9 is headed by the Additional Chief Secretary to Government and the Principal Secretary to Finance Department and the said Team is entrusted to grant relief coordination involving NGO, Voluntary groups, CSR Funding etc., including attending to distress families under quarantine, old age sick and needy people and that apart, there are lot of measures as to the prevention and control of COVID-19 virus and though all the materials are available in the public domain, the petitioner, for the reason best known to

him, did not notice the said information and except submitting a bare representation through evidence-Mail, did not provide any useful material so as to enable this Court to entertain this writ petition styled as a public interest litigation.

(5)The Public [SC] Department in Letter in No.CSCR/130-205/2020 dated 11.05.2020, after reviewing the earlier guidelines, has issued fresh guidelines in respect of persons coming from one District to other Districts in Tamilnadu and persons from other States and Union Territories and persons from other Countries as well as exemption categories.

(6)It is also be to be noted at this juncture that the present writ petition came to be filed on 13.05.2020 and as pointed out earlier, the petitioner has failed to carry out / do home work for the reason best known to him.

(7)The prayer sought for by the petitioner is a positive mandamus and in the considered opinion of the Court, it is not capable of being ordered for the reason that it is difficult to identify the so-called 3000 persons from Ariyalur District who came to Koyambedu Wholesale Vegetable Market at Chennai, in connection with their avocation. Mr.V.Jayaprakash Narayan, learned Government Pleader, appearing for the official respondents would also submit that all out efforts have been taken to identify the persons who came to Koyambedu Wholesale Vegetable Market and steps are being taken to isolate and quarantine them and also give them treatment.

(8)It is also to be noted that as per the latest information available in COVID-19, in respect of Ariyalur District, the confirmed COVID-19 cases are 348 in number.

(9)In the light of the above facts and circumstances, this Court is of the considered view that the writ petition, styled as a public interest litigation lacks merits and substance.

(10)Accordingly, the writ petition stands dismissed with cost and the petitioner is directed to pay a cost of Rs.5000/- [Rupees Five Thousand only] in favour of CANCER INSTITUTE WIA, ANDHRA BANK, MADHYA KAILASH, SBI ACCOUNT NO.149710011005477 IFSC CODE:-ANDB0001497 within a period of two weeks from today.

(11)Post on 29.05.2020 for reporting compliance.

AP

15/05/2020

This matter having been listed on this twentieth day of July, 2020 under the caption "for Reporting compliance" pursuant to the order of this court dated 15.05.2020 and made here in and in the presence of the aforesaid counsels on the either side the court made the following order:-

The learned counsel appearing for the petitioner submitted that the condition imposed by this Court by an order dated 15.05.2020 has been complied with.

2. Recording the above submission, no further order is required in this writ petition.

Sd/-  
Assistant Registrar(AD I)MDU

//True Copy//

Sub Assistant Registrar

raa/ds

To

1.The Chief Secretary  
Tamil Nadu Government  
Secretariat, Chennai 600 009.

2.The Secretary  
Ministry of Health  
Health & Family Department,  
Tamil Nadu Government,  
Secretariat,  
Chennai 600 009.

3.The Director of Medical Science  
DMS Compound, Chennai.

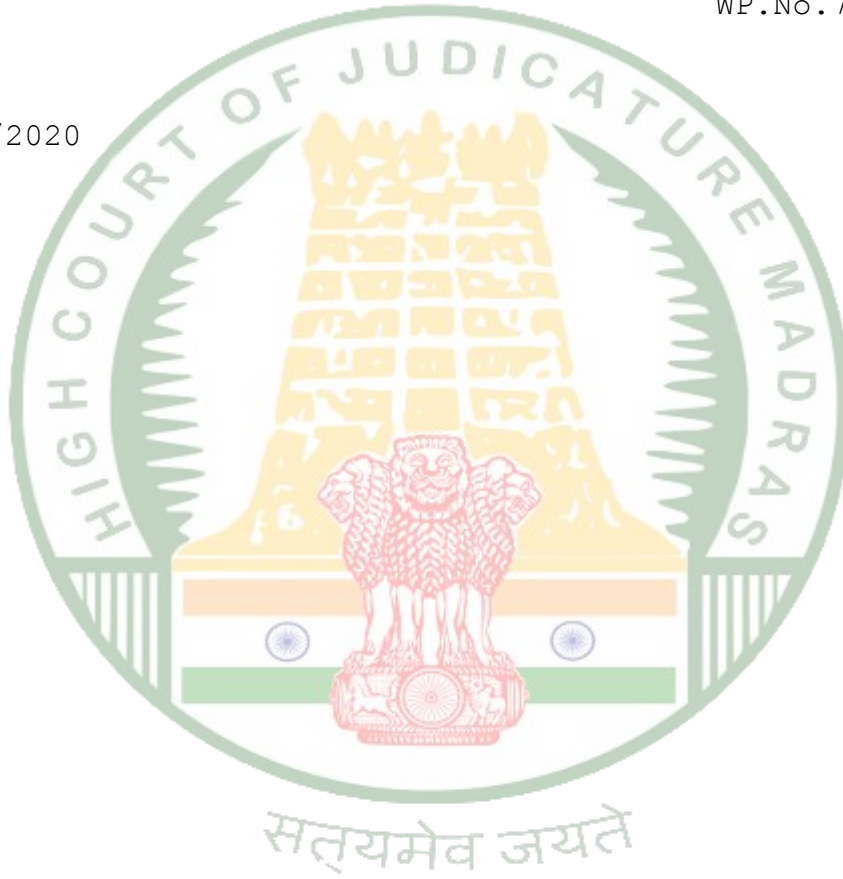
4.The District Collector,  
Ariyalur District, Ariyalur.

5.The Superintendent of Police  
Ariyalur District, Ariyalur.

6.The Cancer Institute  
wia, Andhra Bank,  
Madhya Kailash Branch.

WP.No.7654 of 2020

MG(CO)  
KKV/29/07/2020



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