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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.6.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.7714 of 2020

S. Ayyathurai,
Advocate,
No.151, Thambu Chetty Street,
Chennai - 600 001.

... Petitioner

-vs-

1. The Government of India,
Rep by its Secretary to Government,
Ministry of Health and Family Welfare,
'A' Wing, Nirman Bhavan, New Delhi-110011

2. Indian Council for Medical Research,
Rep. by its Director General,
V. Ramalingaswami Bhawan,
PO Box No. 4911, Ansari Nagar,
New Delhi - 110029

3. The Government of Tamil Nadu,
Rep by its Secretary to Government,
Health and Family Welfare
Department Secretariat, Fort St. George,
Chennai - 600 009.

4. HLL Biotech Limited, Rep. By its Chairman & MD,
Survey no: 192&195, Meleripakkam Post,
Thirumani Village, Thirukazhukundram,
Chengalpattu District - 603 003. ... Respondents

Petition under Article 226 of the Constitution of India
praying for a Writ of MANDAMUS directing the Respondents 1 to 3
to provide all material, monetary support among other things to
the 4th Respondent and permit 4th Respondent to manufacture the
Covid19 testing kits (VTM &PCR kit) and develop a Covid19
Vaccine and to pass such other order or direction as this



Hon'ble Court may deem and proper in the circumstances of the case and thus render justice.

For Writ Petitioner

: Mr.K.M.Ramesh

For Respondents

: Mr.G.Rajagopalan, ASG
assisted by Mr.A.Kumaraguru, SPC
for R.R.1 and 2

Mr.V.Jayaprakash Narayanan, GP
for R.3.

ORDER

(Made by Dr.Vineet Kothari,J)

In this PIL Petition, the petitioner Mr.S.Ayyathurai, a Practising Advocate, has espoused the fourth Respondent, HLL Biotech Limited, Chengalpattu District and has submitted that Government of India should be directed to provide adequate infrastructure and monetary support to the said Central Government Undertaking so that it can take appropriate research for development of COVID-19 vaccine.

2. On 21.5.2020, a Co-ordinate Bench issued notice in the present case and the learned Government Pleader and the learned Additional Solicitor General accepted notice on behalf of the respondents.

3. After hearing the learned counsels today, we are of the opinion that though the petitioner is a practising Advocate and he may not have proper locus to espouse the cause of the Central Government Undertaking, the fourth Respondent, without proper instruction, but since the cause behind this Public Interest Litigation, may have some bona fides, therefore, we are inclined to dispose of the Public Interest Litigation petition with a direction to the respondents particularly, Indian Council for Medical Research, second respondent and the Government of India, to consider the representation made by the Petitioner in the form of the present Public Interest Litigation Petition. The writ petition itself may be treated as a representation by the petitioner and the additional representation if any can also be filed by the Petitioner/Respondent No.4 Company itself, within a period of three weeks from today and the same can be considered within a period of three months thereafter.



4. Accordingly, the Writ Petition is disposed of with the aforesaid directions. No order as to costs. Consequently, connected Miscellaneous Petition is also closed.

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Sd/-
Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

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aa01/07/2020