

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2020

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R. HEMALATHA

W.P.No.13736 of 2020
and
W.M.P.No.17079 of 2020

Priyankaa.R. ... Petitioner

Vs.

1. Government of Tamil Nadu
Represented by the Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The District Collector,
4th Floor, M.Singaravelar Maaligai,
62, Rajaji Salai, Chennai Collectorate,
Chennai - 600 001.

3. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3rd respondent herein to follow the guidelines issued by the 1st respondent in G.O.(Ms) No.279, Health and Family Welfare (P1) Department, dated 28.07.2020, strictly and not to forcefully quarantine the mild/asymptomatic patients in care centres who are eligible for home isolation.

For Petitioner : Mrs.Priyankaa.R.
(Party-in-Person)

For R1 and R2 : Mr.R.Vijayakumar
Additional Government Pleader

For R3 : Mr.S.R.Rajagopal
Additional Advocate General
Assisted by Mr.R.Gopinath,
Standing Counsel

O R D E R
(Order of the Court was made by M. SATHYANARAYANAN, J.)
(Through Video Conferencing)

Heard the submissions of Mrs.R.Priyankaa (petitioner/Party-in-Person) and Mr.S.R.Rajagopal, learned Additional Advocate General, assisted by Mr.R.Gopinath, learned Standing Counsel for Greater Chennai Corporation, and also perused the counter affidavit of the 3rd respondent.

2.The counter affidavit filed by the 3rd respondent, apart from denying the averments made in the affidavit filed in support of this writ petition, also enumerates the various measures/Standard Operating Procedure that are put in place to prevent the spread and to arrest the Covid-19 Pandemic Virus. It is pointed out by Mr.S.R.Rajagopal, learned Additional Advocate General that, in the light of the strenuous and coordinated efforts made by various Governmental agencies, in coordination with the Central Government agencies, the positive cases are coming down day by day, and in fact, some of the Covid Centres had also been shut down, and at the same breath, would submit that the vigil kept so far will not be torn down and the Corporation and the other Government agencies are prepared to meet any eventualities.

3.The petitioner/Party-in-Person would submit that the fact remains that the family members are undergoing ordeal on account of some insensitivity shown by certain officials of Greater Chennai Corporation, and further points out that her endeavour is not to blame the officials, but to bring on notice the shortcomings, so that it may not occur in future in respect of others, who are similarly placed like that of her family members.

4.This Court has carefully considered the rival submissions and also perused the materials placed before it.

5.Though it is the submission of the learned Additional Advocate General that the tenacity of Covid-19 Pandemic appears to have come down considerably, the vigil and caution has to be exercised continuously. This Court has also come across the News items appeared in leading News Dailies as to the prevalence of Covid-19 Virus with more potency in United Kingdom, which also led to banning of flights from that country. We hope and trust the said aspect has also been taken into consideration by the Government to act accordingly and put some Standard Operating Protocol in place.

6.Insofar as the identification and treating of patients suffering from Covid-19, especially symptomatic patients are concerned, more effective monitoring mechanism is to be put in place as to the discharge of functions being carried out by the front-line workers, especially the sanitary

workers/focus volunteers.

7.No doubt, the front-line workers and the local body officials are put to maximum pressure while discharging their duties, and this Court, while appreciating their efforts, would also like to put them on notice that they should treat the Covid-19 victims in a more compassionate manner, so that the grievances expressed by the petitioner/Party-in-Person would not occur in future.

8.The learned Additional Advocate General assures that these kind of things would not occur in future and the said submission, on instructions, is placed on record.

9.It is also brought to the knowledge of this Court by the learned Additional Advocate General that the practice of putting steel sheets in the form of barricades across the entrance of the house in which symptomatic patients are residing is now stopped, and also brought to the knowledge of this Court the latest orders passed by the Hon'ble Supreme Court of India in this regard.

10.This Court also appreciates the endeavour taken by the petitioner/Party-in-Person, who is also a practicing Advocate, in bringing to the knowledge of this Court as to the difficulties and ordeals faced by Covid-19 patients, at the same time, also the continuous efforts taken by the concerned Government agencies, especially the front-line Doctors, Paramedical Personnel, Police, and local body officials.

In the result, this writ petition is closed subject to the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mkn

To

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

2.The District Collector,
4th Floor, M.Singaravelar Maaligai,
62, Rajaji Salai, Chennai Collectorate,
Chennai - 600 001.

3.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.

+lcc to Mr.R.Gopinath, Standing Counsel, Advocate,
S.R.No.42892

W.P.No.13736 of 2020

SR II(CO)
GN(18/01/2021)



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