



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2020

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH
and
THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) No.7046 of 2020 & W.M.P. (MD) Nos.6478 - 6480 of 2020

Farjana Ghoushia Dawood

...Petitioner / Petitioner

vs.

1.The State of Tamil Nadu
represented by the Secretary
Health and Family Welfare Department
Government of Tamil Nadu
Secretariat
Chennai 600 009

2.The District Collector
Collectorate
Virudhunagar District
Virudhunagar

...Respondents / Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records pertaining to the impugned order dated 23.06.2020 passed by the second respondent and quash the same and consequently, direct the second respondent not to compel the asymptomatic contacts of COVID-19 patients to stay at COVID-19 Care Centres at Thoppur, Madurai.

For petitioner : Mr. Veera. Kathiravan, Senior Counsel
for M/s. Veera Associates

For respondents : Mr. K. Chellapandian, Addl. Adv.
General
assisted by Mr. R. Sethuraman
Spl. Govt. Pleader

ORDER

[made by **P.N.PRAKASH, J.**]

This writ petition has been preferred challenging the note dated 23.06.2020 issued by the District Collector, Virudhunagar, in
<https://hcservices.ecourts.gov.in/hcservices/>



and by which, the authorities concerned, including the Tahsildars, have been required to immediately identify the persons who were in contact with persons tested positive for COVID-19 in Virudhunagar District and quarantine those persons at the COVID-19 Care Centres.

2 This Court heard Mr. Veera. Kathiravan, learned Senior Counsel representing M/s. Veera Associates, learned counsel on record for the petitioner, Mr. K. Chellapandian, learned Additional Advocate General appearing for the State and also Mr. R. Kannan, I.A.S., District Collector, Virudhunagar District, via video conferencing.

3 The learned Additional Advocate General, on instructions, submitted that there is a sudden spike in the number of persons tested positive for COVID-19 in Virudhunagar District on account of relaxation of lock down effective 01.06.2020 and that has created an alarm to the district administration. He further submitted that under the Indian Council of Medical Research (ICMR) guidelines, if a person is tested positive for COVID-19, he should be isolated from his family members and his family members also should be quarantined for a period of fourteen days; however, taking into consideration, the economic status of the masses in the countryside, the household is not able to provide quarantine facilities such as separate toilet, bathroom, etc. for the persons under quarantine, as prescribed; therefore, in order to protect the family members of the persons who are tested positive for COVID-19 and also for ensuring that the persons who have been tested positive do not spread the pandemic to others, the District Collector, Virudhunagar, has issued the impugned note to immediately identify the persons who were in contact with persons tested positive for COVID-19 in Virudhunagar District and quarantine those persons at the COVID-19 Care Centres.

4 The learned Additional Advocate General further submitted that initially, the family members of the persons tested positive for COVID-19, will be quarantined in Care Centres only for a period of three days till the test results are out and if the test result is negative, they will be sent back to their home to be in quarantine for a period of 14 days and only if the result turns out to be positive, will they be shifted to hospital for necessary treatment. It is also his submission that wherever there is facility for home quarantine, the district administration is not insisting upon the family members to undergo quarantine in the Care Centres.

5 This Court does find sufficient force and substance in the aforesaid submissions of the learned Additional Advocate General and this Court is of the view that the impugned note of the District Collector, Virudhunagar, has been issued in the interest of not only the family members of persons who have been tested positive for COVID-19 but also in the interest of the public at large. As such,



we do not find any infirmity in the impugned note.

This writ petition stands disposed of accordingly. Costs made easy. Connected W.M.Ps. are closed.

WEB COPY

Sd/-

Assistant Registrar (CrI.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Cad

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of this order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1 The Secretary
Health and Family Welfare Department
Government of Tamil Nadu
Secretariat, Chennai 600 009
- 2 The District Collector
Collectorate, Virudhunagar District
Virudhunagar.

W.P. (MD) No.7046 of 2020

AP (29.07.2020) 3P-3C