



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.14107 of 2020

A.Kavitha Devi

... Petitioner

Vs

1. The State of Tamilnadu,
Rep. by Secretary to Government,
Department of Health and Family Welfare,
Fort Saint George,
Chennai-600 009.
2. The District Collector,
Tiruchirapalli District,
Collectorate Buildings,
Cantonment,
Tiruchirapalli-620 001.
3. The Director,
Public Health Department,
Collectorate Buildings,
Cantonment,
Tiruchirapalli-620 001.
4. The Commissioner,
Tiruchirapalli City Corporation,
Bharathidasan Salai,
Cantonment,
Tiruchirapalli-620 001.
5. The Assistant Commissioner, Corporation,
Srirangam Zone,
Gandhi Road,
Srirangam,
Tiruchirappalli-620 001.
6. The Commissioner of Police,
Commissioner's Office,
Subramaniyapuram,
Tiruchirappalli-620023.



7. The Assistant Commissioner of Police,
Commissioner's Office,
Ammamandapam Road, Srirangam,
Tiruchirappalli-620006.

8. The Tahsildar,
Trichirappalli West Taluk,
Bharathidasan Road,
Cantonment,
Tiruchirappalli-620 001.

9. The Tahsildhar/ Nodal Officer,
Disaster Management,
Collectorate Building,
Cantonment, Tiruchirappalli-620007.

10. The Inspector of Police,
G.H. Police Station,
Trichirappalli-620007.

11. The Sub Inspector of Police,
G.H. Police Station,
Trichirappalli-620007.

12. M/s. Sundaram Hospitals,
No.17, E.V.R Road,
Puthur, Tiruchirappalli-620017.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 11 to take action against the 12th respondent in accordance with law thereby cancelling the approval given to the 12th respondent to treat COVID-19 patients for the gross violations of health norms and regulations committed by the 12th respondent and to initiate appropriate legal action against the 12th respondent for the said violations.

For Petitioner	: Mr.K.S.Kathiravan
For R-1 to R-11	: Mr.C.Ramesh Special Government Pleader
For R-12	: Mr.M.Ajmal Khan, Senior Counsel for M/s. Ajmal Associates

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents 1 to 11, to take action against the 12th respondent for violation of COVID-19 regulations imposed by the Government.



2. Heard Mr.K.S.Kathiravan, learned counsel appearing for the petitioner, Mr.C.Ramesh, learned Special Government Pleader appearing for the respondents 1 to 11 and Mr.M.Ajmal Khan, learned Senior Counsel appearing for the 12th respondent.

3. On the date of filing of the writ petition, the complaint given by the petitioner as against the 12th respondent was pending on the file of the 11th respondent. Thereafter, the 11th respondent has filed the final report after investigation on 17.08.2020, wherein it has been held that the 12th respondent has put up the polypropylene sheet fencing the house of the petitioner, for which the petitioner has agreed and the complaint was closed. The report dated 18.08.2020, has also been placed before this Court by the learned Special Government Pleader appearing for the respondents 1 to 11.

4. The closure report, dated 18.08.2020, issued by the police has been submitted only after investigation. Since the 12th respondent has taken adequate measures to prevent the COVID-19 infection from being transmitted, the prayer sought for in this Writ Petition has been fully achieved.

5. The closure report, dated 18.08.2020, issued by the police is correct or not cannot be decided by this Court in this Writ Petition, as it is not the subject matter of the challenge in this Writ Petition. After recording the closure report, dated 18.08.2020, issued by the police, the Writ Petition is disposed of. However, if the petitioner is aggrieved by the closure report, dated 18.08.2020, he has to challenge the same in accordance with law. No costs.

Sd/-

Assistant Registrar (T&P)

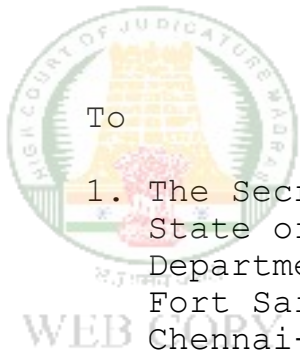
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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the 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

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+1 CC to the SPL GP SR-24663.

+1 CC to Mr.K.S.KATHIRAVAN, Advocate SR-24751.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate SR-25059.

W.P. (MD) No.14107 of 2020
08.12.2020

KVN (CO)

CS (22.12.2020) 5P 15C