

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD) Nos.9119 & 9397 of 2021

AND W.M.P.(MD) Nos.7107 and 7108 of 2021

W.P.(MD) No.9119 of 2021

A.Veronica Mary ... Petitioner

Vs.

1.Union of India,
rep. by its Principal Secretary to Government,
Ministry of Health and Family Welfare,
Union of India,
New Delhi.

2.Union of India,
Principal Secretary,
Ministry of Heavy Industries and Public Enterprises Room,
Government of India,
Room No.176, Udyog Bhavan,
New Delhi

3.State of Tamil Nadu,
rep. by the Principal Secretary,
Department of Health and Family Welfare,
State of Tamil Nadu,
Fort St.George, Chennai 600 009

4.Bharat Heavy Electrical ltd.,
rep. by the Chairman and Managing Director,
BHEL, Corporate Office, BHEL Hounse,
Siri Fort,
New Delhi 110049

5.The DGM/Operation, Planning and Control
Seamless Steel Tube Plant,
BHEL, Trichy 620 014

6.The Chairman,
HLL Biotech Ltd.,
S.No.192 and 195
Meleripakkam (Post)
Thirumani Village
Thirukazhkundram, Chenalpattu,
Kanchipuram, 603 003

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 2 and 4 to immediately undertake the maintenance procedure for the oxygen plants situated in Respondent No.5 campus and to undertake the production of oxygen in an expedite manner in the campus of respondent 5, consequently to direct the respondent 1 to give approval for the Covid Vaccine production in Respondent 6 integrated vaccine complex, and to provide all the infrastructures in the respondent No.6 Integrated Vaccine Complex in an expedite manner in stipulated time.

W.P. (MD) No.9397 of 2021

A.Veronica Mary

.. Petitioner

Vs.

1.The Secretary,
Union of India,
The Department of Health and Family Welfare,
Nirman Bhavan, Maulana Azad Road,
Rajpath Area, Central Secretariat,
New Delhi. 110 011

2.Principal Secretary,
Department of Health and Family Welfare,
State of Tamil Nadu,
State Secretariat
Fort St.George,
Chennai 600 009

3.The Directorate of Medical Education,
rep. by the Director,
162, Periyar EVR High Road,
Kilpauk, Chennai 600 010

4.The District Collector,
Madurai District,
Office of the Madurai Collector,
Madurai.

5.The Director,
Public Health and Preventive Medicine,
DMS Compound,
Teynampet,
Chennai 600 018

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus (1) to strictly implement the G.O.(MS) No.240 dated 05.06.2020 issued by the Department of Health and Family Welfare (EAP-1) Department, and fix fair cost for the treatment of Covid-19 in all the private hospitals, and consequently, take action on the hospitals which are not following the said GO MS.No.240 dated 05.06.2020; and (2) to strictly implement GO No.219 issued by the Health and Family Welfare, (Pl) Department dated 30.04.2021 and allocate 50% beds for the treatment of Covid 19 in all the private hospitals and consequently take action on the hospitals which are not following the said GO No.219 issued by the Health and Family Welfare, (Pl) Department dated 30.04.2021.

For Petitioner : Mr.R.Alagumani

For Respondents: Mr.R.Shunmugasundaram,
Advocate-General
Assisted by
Mr.P.Muthukumar
Counsel for the State
For the State for RR2 to 5

Mr.R.Sankaranarayanan
Additional Solicitor-General of India
Assisted by Mr.K.Srinivasamurthy, SPC
For the Union

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ORDER
(Made by the Hon'ble Chief Justice)

Insofar as W.P.(MD) No.9119 of 2021 is concerned, it is utterly unnecessary at this point of time to interfere in the process initiated by the State to request the Centre to make the vaccination facility at Chengalpet functional.

2. Judicial notice has to be taken of letters addressed by the Chief Minister to the Prime Minister. There is no doubt that the feasibility of opening the Chengalpet vaccination facility is under consideration and is being studied. It is hoped that the authorities concerned look into all aspects, including the viability and feasibility of resuming vaccine production at Chengalpet.

3. No mandamus can be issued or sought without all the information being available, particularly as to the state of the facilities, the expenses necessary to make it viable and the feasibility of obtaining quick production at such facility. These are matters where the executive authorities have to apply their minds.

4. W.P.(MD) No.9119 of 2021 is dismissed. There will be no order as to costs. As a consequence, WMP (MD) No.7108 of 2021 is closed.

5. As regards W.P.(MD) No.9397 of 2021, no further orders need to be passed and, accordingly, it is dismissed. There will be no order as to costs. As a consequence, WMP (MD) No.7107 of 2021 is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Ministry of Health and Family Welfare,
Union of India,
New Delhi.

2. The Principal Secretary,
Ministry of Heavy Industries and Public Enterprises Room,
Government of India,
Room No.176, Udyog Bhavan,
New Delhi

3. The Principal Secretary,
the State of Tamil Nadu,
Department of Health and Family Welfare,
State of Tamil Nadu,
Fort St.George, Chennai 600 009

4. The Chairman and Managing Director,
Bharat Heavy Electrical ltd.,
BHEL, Corporate Office, BHEL HOUSE,
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5. The DGM/Operation, Planning and Control
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6. The Chairman,
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Thirukazhkundram, Chengalpattu,
Kanchipuram, 603 003

7. Principal Secretary,
Department of Health and Family Welfare,
State of Tamil Nadu,
State Secretariat
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8. The Directorate of Medical Education,
rep. by the Director,
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9. The District Collector,
Madurai District,
Office of the Madurai Collector,
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10. The Director,
Public Health and Preventive Medicine,
DMS Compound,
Teynampet,
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11. The Secretary,
Union of India,
The Department of Health and Family Welfare,
Nirman Bhavan, Maulana Azad Road,
Rajpath Area, Central Secretariat,
New Delhi. 110 011

W.P. (MD) Nos.9119 & 9397 of 2021

PVS CO
A.SK(29.06.2021)