

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2021

CORAM

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12011 of 2021

D.I.Nathan

.. Petitioner

Vs.

- 1 The Chief Secretary  
Government of Tamil Nadu  
Secretariat, Fort St. George  
Chennai 600 009.
  - 2 The Principal Secretary  
Department of Health and Family Welfare  
Secretariat, Fort St. George  
Chennai 600 009.
  - 3 The Director of Public Health  
DPA Campus, Teynampet  
Chennai 600 018.
  - 4 The Director of Medical Education  
DME Office, KMCH Campus  
Kilpauk  
Chennai 600 010.
  - 5 The Director of Medical and Rural Health Services  
DMS Complex 361, Anna Salai  
Chennai 600 018.
- .. Respondents

Petition filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus directing the respondents 2 to 5 to devise a scheme of undertake all the private Nursing Homes, Poly clinics and Hospitals of all kinds existing in the State of Tamil Nadu under their control to admit and to provide free treatment effectively to the Covid -19 Pandemic Positive infected patients of Tamil Nadu State during this Covid -19 Pandemic Medical Emergencies situation and circumstances since there has been exigent need of lot of Beds and other medical facilities till Covid -19 Pandemic viral infection vanishes in the state at this juncture on the basis of News Paper Reports

published in The Hindu daily dated 01/05/2021, The Indian Express daily dated 07/05/2021 and The Times of India dated 09/05/2021.

For : Mr.R.Krishnamurthy  
Petitioner

For Respondent : Mr.R.Shunmugasundaram Advocate-  
General  
Assisted by  
Ms.Shabnam Banu  
Government Advocate

ORDER  
(Made by the Chief Justice)

This matter pertains to private nursing homes and perceived exorbitant charges demanded in dealing with Covid patients.

2. Pursuant to a previous observation made in the suo motu proceedings initiated by this Court to deal with the second surge of the pandemic, a report has been filed, in which measures taken by the State, including suspending the licenses of some private medical facilities, have been indicated.

3. A grievance cell has been set up with a dedicated number for citizens to lodge their complaints. It is hoped that the drive would be kept up and complaints entertained and the bills raised verified and the matter dealt with appropriately. In the light of the measures taken, no further direction is necessary, but the State should keep a strict vigil so that if there was any profiteering during distress, the same can be undone.

4. The other aspect of the matter has already been dealt with previously. According to the petitioner, the income limit for citizens to obtain the benefit under the Chief Minister's Insurance Scheme has been pegged too low and the same should be increased. That is a policy decision and this Court has already requested the State Government to consider doubling the threshold income limit to bring others within the fold of the Scheme. Judicial notice has to be taken of several authentic reports indicating that a number of citizens have been driven to poverty during the lockdown and, particularly, the second surge of the pandemic. It is hoped that the State Government considers the matter sympathetically.

5. W.P.No.12011 of 2021 is disposed of. There will be no order as to costs. There will be no order as to costs.

Sd/-  
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kpl  
To

- 1 The Chief Secretary  
Government of Tamil Nadu  
Secretariat, Fort St. George, Chennai 600 009.
- 2 The Principal Secretary  
Department of Health and Family Welfare  
Secretariat, Fort St. George, Chennai 600 009.
- 3 The Director of Public Health  
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- 4 The Director of Medical Education  
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- 5 The Director of Medical and Rural Health Services  
DMS Complex 361, Anna Salai, Chennai 600 018.

+3ccs to Mr. R.Krishnamurthy , Advocate SR.No. 27521,27501  
W.P.No.12011 of 2021

RP(CO)  
A.SK(17.06.2021)

सत्यमेव जयते

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