

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12444 of 2021

R.Boomiraj

.. Petitioner

Vs.

The Chief Secretary,
Government of Tamilnadu,
Secretariat, Fort St. George,
Chennai 600 009.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to devise a scheme to award a compensation of adequate and necessary amount and for granting and providing other relief measures to the kith and kins of the Covid-19 dead family, for the welfare of the children of both parents unfortunately succumbed to Covid-19 Pandemic death and also to pay an adequate solatium to the relatives of the Covid-19 Pandemic dead in order to meet out the funeral expenditures on the basis of the representation made by the petitioner on 19.05.2021 to the respondent in the larger interest of public in the state on merits in accordance with Constitutional Law and under Section 19 of Disaster Management Act, 2005.

For Petitioner : Mr.R.Krishnamurthy

For Respondent : Mr.R.Shumugasundaram
Advocate-General
assisted by Mr.P.Muthukumar,
Counsel for the State

ORDER

(Made by the Hon'ble Chief Justice)

This issue raised is a matter of pure policy that the executive has to decide on and the Court can scarcely interfere therein.

2. It has become a habit in this Court to invoke the extraordinary jurisdiction under Article 226 of the

Constitution by way of public interest litigation, sometimes for self-publicity, to seek extraordinary orders that the judiciary may just not be competent to pass. It is a matter of policy as to whether a State decides to extend relief or to what extent, to persons affected by any calamity or disaster. The Court cannot issue a mandamus directing all Covid victims to be compensated, irrespective of the financial position that the families may be in. It is a pure executive action that has to be taken on the basis of the policy of the government of the day and the data that it gathers in such regard.

3. In any event, several schemes have been put in place, both at the State level and at the Central level for providing relief to certain classes of persons, whether by way of food or by way of financial assistance. It is best that such matters are left to the executive without interference by Courts.

W.P.No.12444 of 2021 is disposed of. There will be no order as to costs.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

sasi

To:

The Chief Secretary,
Government of Tamilnadu,
Secretariat, Fort St. George,
Chennai 600 009.

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PVS (CO)
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