



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE  
AND  
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.12582 of 2021  
and W.P. (MD) No.10147 of 2021

W.P.No.12582 of 2021:

HA.Shrirajalakshmi

..Petitioner

Vs

1. The Chief Secretary to Government,  
Government of Tamil Nadu,  
Secretariat, Fort St. George,  
Chennai - 600 009.
  2. The Additional Chief Secretary to Government,  
Municipal Administration and Water  
Supply Department,  
Secretariat, Fort St. George,  
Chennai - 600 009.
  3. The Additional Chief Secretary to Government,  
Rural Development and Panchayat Raj Department,  
Government of Tamil Nadu,  
Secretariat, Fort St. George,  
Chennai - 600 009.
  4. The Principal Secretary to Government,  
Health and Family Welfare Department,  
Government of Tamil Nadu,  
Secretariat, Fort St. George,  
Chennai - 600 009.
  5. The Commissioner,  
Greater Chennai Corporation,  
Ripon Building,  
Chennai - 600 003.
- ..Respondents



W.P. (MD) No.10147 of 2021:

K.K.Ramesh

..Petitioner-in Person

Vs

WEB COPY

1. Union of India,  
rep. by Home Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi - 110 001.
2. Union of India,  
rep. by its Secretary,  
Ministry of Health and Family Welfare,  
Nirman Bhawan, C-Wing,  
New Delhi - 110 001.
3. The State of Tamil Nadu,  
rep. by its Principal Secretary to Chief Minister,  
Chief Minister Office, Secretariat,  
Chennai - 600 009.
4. The State of Tamil Nadu,  
rep. by Chief Secretary,  
Secretariat, Chennai - 600 009.
5. The State of Tamil Nadu,  
rep. by Principal Secretary,  
Health and Family Welfare,  
Secretariat, Chennai - 600 009.
6. The State of Tamil Nadu,  
rep. by Principal Secretary,  
Municipal Administration and Water Supply Department,  
Secretariat, Fort St. George,  
Chennai - 600 009.
7. The State of Tamil Nadu,  
rep. by Principal Secretary,  
Rural Development and Panchayat Raj Department,  
Secretariat, Fort St. George,  
Chennai - 600 009.

..Respondents

Prayer: W.P.No.12582 of 2021 filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to frame and implement a effective policy to ensure that cause of death is properly and correctly mentioned in the relevant certificate/official document for all cases of Covid-19 related deaths in accordance with law, ICMR



guidelines and other relevant parameters including international standards in order to enable beneficiaries of government schemes to avail the same without any hindrance.

Prayer: W.P.(MD) No.10147 of 2021 filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to instruct the respondents to (a) while issuing death certificate the reason for cause of death may be clearly mentioned as Covid-19 death for corona deceased if not the family of corona deceased will not get monetary benefits; (b) the Tamil Nadu government should cremate the Covid-19 death persons in all burial grounds at free of costs; (c) By considering the petitioner's representation dated 23.04.2021.

For the Petitioner : Mr.Manoharan Sundaram  
in W.P.No.12582 of  
2021

For the Petitioner : Mr.K.K.Ramesh  
in W.P.(MD) No.10147 Petitioner-in-person  
of 2021

For the Respondents : Mr.P.Muthukumar  
State Government Pleader  
for respondent Nos.1 to 4  
in W.P.No.12582 of 2021

Ms.Karthikaa Ashok  
for respondent No.5  
in W.P.No.12582 of 2021

: Mr.A.R.Sakthivel  
SPC  
for respondent Nos.1 and 2  
in W.P.(MD) No.10147 of 2021

: Mr.R.Shunmugasundaram  
Advocate-General  
assisted by  
Mr.P.Muthukumar  
State Government Pleader  
for respondent Nos.3 to 7  
in W.P.(MD) No.10147 of 2021



## COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

WEB COPY

The grievance in these petitions is that the cause of death may not have been appropriately recorded in the death certificates, particularly in case of deaths caused by the pandemic.

2. Pursuant to the previous orders, a status report has been filed by the Principal Secretary in the Health and Family Welfare Department of the State. At paragraph 8 of the report, the relevant Secretary has referred to the guidelines issued for Covid-19 deaths by the Union Ministry of Health and Family Welfare pursuant to orders of the Supreme Court. The Secretary has indicated that based on the above guidelines, the State Government has instructed all Collectors to form District Level Committees, consisting of the Additional District Collector, the Chief Medical Officer of Health and the Dean or Joint Director of Medical and Rural Health Services in addition to an expert, for the issuance of the official document in the format as suggested by the Union Ministry. A proforma of the relevant certificate has also been indicated in the status report.

3. It is hoped that the guidelines are strictly adhered to and the District Level Committee should ensure that in case of deaths which have happened on or prior to August 31, 2021, the appropriate certificates in accordance with the relevant proforma are issued by October 31, 2021. In the unlikely event of any future death arising out of the pandemic, the same procedure should be followed and, if the death due to Covid is not recorded in the death certificate itself, the additional certificate in terms of the proforma should be made available to the next of kin or the person entitled thereto within a month of the death.

4. Since the matters complained of in public interest have been appropriately addressed and remedial measures put in place, the writ petitions have served their purpose. In the event the certificates are not issued within time or on some other untenable excuse, it will be open to the individuals affected thereby to raise the grievance before the appropriate forum in accordance with law.



5. W.P.No.12582 of 2021 and W.P.(MD) No.10147 of 2021 are disposed of. W.M.P.No.15069 of 2021 is closed.

There will be no order as to costs.

WEB COPY

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

bbr

To:

1. The Chief Secretary to Government,  
Government of Tamil Nadu,  
Secretariat, Fort St. George, Chennai - 600 009.
2. The Additional Chief Secretary to Government,  
Municipal Administration and Water Supply Department,  
Secretariat, Fort St. George, Chennai - 600 009.
3. The Additional Chief Secretary to Government,  
Rural Development and Panchayat Raj Department,  
Government of Tamil Nadu,  
Secretariat, Fort St. George, Chennai - 600 009.
4. The Principal Secretary to Government,  
Health and Family Welfare Department,  
Government of Tamil Nadu,  
Secretariat, Fort St. George, Chennai - 600 009.
5. The Commissioner,  
Greater Chennai Corporation,  
Ripon Building,  
Chennai - 600 003.
6. The Home Secretary,  
Union of India,  
Ministry of Home Affairs,  
North Block, New Delhi - 110 001.
7. The Secretary,  
Union of India,  
Ministry of Health and Family Welfare,  
Nirman Bhawan, C-Wing,  
New Delhi - 110 001.



WEB COPY

8. The Principal Secretary to Chief Minister,  
State of Tamil Nadu,  
Chief Minister Office, Secretariat,  
Chennai - 600 009.

9. The Principal Secretary,  
State of Tamil Nadu,  
Health and Family Welfare,  
Secretariat, Chennai - 600 009.

10. The Principal Secretary,  
State of Tamil Nadu,  
Municipal Administration and Water Supply Department,  
Secretariat, Fort St. George,  
Chennai - 600 009.

11. The Principal Secretary,  
State of Tamil Nadu,  
Rural Development and Panchayat Raj Department,  
Secretariat, Fort St. George,  
Chennai - 600 009.

+1cc to M/s.Karthikaa Ashok, Advocate Sr No.47308

W.P.No.12582 of 2021  
and W.P. (MD) No.10147 of 2021

RLD (CO)  
PR (24/09/2021)