



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2021

Coram

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 14100 of 2021

Anitha Ravi

.. Petitioner

Versus

1. The Executive Officer,
Panaiyapuram Panchayat,
Vikravandi Taluk,
Villupuram District.
2. The Dean,
Stanley Govt. Medical College and Hospital,
Old Jail Road, Seven Wells North,
Old Washermanpet,
Chennai, Tamil Nadu - 600 001

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to issue death certificate of the petitioner's husband P.Praveen Kumar with the endorsement/cause of death as "COVID Complication" in compliance of Section 10 of the Registration of Births and Deaths Act, 1969.

For Petitioner : Mr.V.Selvaraj

For Respondent - 1 : Mr. Stalin Abhimanyu
Government Counsel

ORDER

The relief sought in the present writ petition is to issue a Writ of Mandamus directing the respondents to issue death certificate of the petitioner's husband P.Praveen Kumar with the endorsement/cause of death as "COVID Complication" in compliance of Section 10 of the Registration of Births and Deaths Act, 1969.

2. It is stated that the petitioner's husband Mr. P.



Praveen Kumar had cough and cold on 09.05.2021 and therefore, suspecting Covid-19 infection, he was taken to Government Villiyanur Hospital, Villupuram where he was subjected to RT PCR test on 11.05.2021 and his test result turned positive. Though the petitioner's husband was isolated and was under home quarantine, he suffered continued cough and sneezing and was unable to breathe properly. Therefore, the petitioner took her husband to Mundiambakkam Government Medical College and Hospital on 14.05.2021, however, the doctors advised her to take him to any other nearby hospital citing lack of beds in their Hospital. As per their advice, on 14.05.2021, she took her husband to the second respondent Hospital and admitted him there. The husband of the petitioner was treated as an inpatient from 14.05.2021 till 19.05.2021. However, on 19.05.2021, the petitioner was informed that her husband died due to respiratory failure. In the medical reports of her husband, issued by the second respondent, it was stated that her husband died due to respiratory failure but his Covid-19 infection status was indicated as negative. After the death of her husband, she approached the first respondent for issuance of her husband's Death Certificate and requested the officials to mention the reason for the death of her husband as COVID complications. However, the first respondent informed her that there was no such instructions given by the Government to issue death certificate by indicating the cause as COVID-19 infection, therefore, they cannot issue the death certificate with such an endorsement. According to the petitioner, the Indian Council for Medical Research (ICMR) has already issued directives and guidelines in this regard, however, such guidelines have not been followed. Therefore, she gave a written representation dated 10.06.2021 to the first respondent, seeking for issuance of her husband's death certificate with an endorsement that he died due to COVID complications, however, her representation has not been considered by the first respondent. Hence, she has filed the present writ petition before this Court.

3. The learned counsel for the petitioner submits that the petitioner's husband was admitted as an in-patient in the second respondent hospital for Covid-19 infection on 14.05.2021. During the course of such hospitalisation, the petitioner's husband died within five days on 19.05.2021. Therefore, the learned counsel for the petitioner submitted that the disease suffered by the husband of the petitioner and the complication which resulted in his death requires to be concluded as the cause of death. Therefore, the petitioner is entitled to get the death certificate of her husband by indicating the cause of death. However, by merely issuing the death certificate of her husband without indicating the cause of his death will gravely prejudice the petitioner. The learned counsel for the petitioner therefore prayed this Court to issue appropriate



direction to the first respondent to issue the death certificate with necessary endorsement that the husband of the petitioner died only due to Covid-19 complication.

4. On the above contention of the counsel for the petitioner, this Court heard the learned Government Counsel for the first respondent and perused the materials placed.

5. It is stated that due to Covid-19 complications, the husband of the petitioner breathed his last on 19.05.2021 in the hospital of the second respondent. However, the second respondent refuses to make a reference in the death certificate by indicating the medical complication for which the petitioner's husband was admitted in the second respondent hospital or the cause of his death. According to the petitioner, her husband died only due to Covid-19 complications. Even the medical records issued by the first respondent indicates that her husband died of respiratory complications, which is associated with the Covid-19 infection. Therefore, the petitioner seeks for issuing appropriate direction to the first respondent to issue death certificate with an endorsement "died due to Covid-19 complications" to enable her to get certain benefits announced by the Government.

6. Considering the above facts and circumstances of the case, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's representation dated 10.06.2021 on the basis of her husband's medical records issued by the second respondent and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to her, preferably, within a period of two weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

mrr/rsh



To

1. The Executive Officer,
Panaiyapuram Panchayat,
Vikravandi Taluk,
Villupuram District.

2. The Dean,
Stanley Govt. Medical College and Hospital,
Old Jail Road, Seven Wells North,
Old Washermanpet,
Chennai, Tamil Nadu - 600 001

+1cc to Mr.P.Paramasivadosh, Advocate, S.R.No.48356

+1cc to the Government Pleader, S.R.No.48559

WP No.14100 of 2021

PMK (CO)
SU(18/10/2021)