



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.15859 of 2021

M.Pandeeshwari

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Dean,
Madurai Rajagi Hospital,
Madurai Medical College,
Madurai.

3.The Commissioner,
Corporation of Madurai,
Madurai.

4.The Chief General Manager,
IOC-LPG Division,
Madurai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to issue inpatient certificate for petitioner's husband for his admission at Covid-19 special care ward on 20.05.2021 at the second respondent hospital and direct the third respondent to issue death certificate by mentioning cause of death 'due to Covid-19 virus' and further direct the 1st and 4th respondents to consider to grant relief funds to the petitioner's family as per the scheme announced by the Government.

For Petitioner : Mr.Raja Karthikeyan

For Respondents : Mr.K.S.Selvaganesan

Counsel for the State for R1 and R2

: Mr.Prabhu Ramachandran

Standing Counsel for R3

ORDER

The petitioner seeks a direction to the second respondent to issue an inpatient certificate in relation to the admission of her husband at the Covid-19 special care ward on 20.05.2021 at the second respondent hospital. As a consequence, a direction is prayed for to the third respondent to issue the death certificate by specifying the cause of death as due to the Covid-19 infection.



2.The petitioner states that her husband, the late Mr.C.Muthupandi, worked as a LPG Cylinder delivery person for a dealer of the fourth respondent. It is stated that the petitioner's husband was infected by Covid-19 on 13.05.2021. He received treatment at the clinic of Dr.P.Ragava Ganesan. Under his instructions, a CT scan was taken at the Devagi MRI and CT Scan Centre, Arasaradi, Madurai on 13.05.2021. Such report reveals that the lungs were affected and that there were indications of early viral pneumonia, and there was high suspicion of Covid. Subsequently, the petitioner's husband developed breathing difficulties on 20.05.2021. Therefore, he was rushed to the Government Rajaji Hospital, Covid special care unit, at about 08.30 p.m., and he was assigned I.P.No.22335. However, since it was not possible to obtain allotment of a bed, he was rushed to the Velammal Hospital, Madurai. At the gate of the Velammal hospital, the petitioner was informed that her husband's health condition was unstable and therefore it was not possible to treat him there. It is further stated that the petitioner took her husband back to the Government Hospital, in such circumstances, but was informed that he had died.

3.Meanwhile, Dr.P.Ragava Ganesan had issued a certificate on 21.05.2021 certifying that the petitioner's husband died of sudden cardio pulmonary arrest due to impairment of lungs at about 09.50 p.m. on 20.05.2021 at his residence. It appears that the petitioner was cremated on 21.05.2021 and the receipt issued by the Madurai Corporation cremation centre indicates that the death is on account of cardiac arrest. The present writ petition is filed in these facts and circumstances seeking the relief indicated above.

4.Mr.K.S.Selvaganesan, learned counsel for the State, accepts notice on behalf of the first and second respondents and Mr.Prabhu Ramachandran, learned Standing counsel, accepts notice for the Corporation of Madurai.

5.The petitioner has enclosed the CT scan report issued by the Devagi MRI and CT scan centre, Arasaradi, Madurai on 13.05.2021. Such report indicates that there is evidence of early viral pneumonia and high suspicion for Covid. In addition, the petitioner has enclosed the certificate issued by Dr.P.Ragava Ganesan on 21.05.2021. By the said certificate, it was certified that the petitioner's husband "died of sudden cardio pulmonary arrest due to impairment of lungs". On the basis of the above mentioned two documents, there is strong indication that the petitioner's husband died of the Covid-19 infection.

6.The Covid-19 pandemic caused the death of a significant number of persons especially during the critical phase thereof. The testing facilities at that juncture could not keep pace with the number of infections per day. As a result, a very large number of persons died of such infection without a confirmatory RT-PCR test.



The petitioner's husband appears to belong to the said category. Whenever a person dies from any cause, there will be cardiac arrest. Therefore, the fact that there was cardiac arrest does not mean that the petitioner's husband did not die on account of the Covid-19 infection.

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7. For the reasons set out above, the third respondent herein is directed to consider the petitioner's request for a death certificate showing the cause of death as the Covid-19 infection. Such request shall be considered by taking into account the CT scan report, the doctor's certificate dated 21.05.2021 and the observations set out above. Upon considering all the aforesaid, the third respondent is directed to take a reasoned decision within a period of 30 days from the date of receipt of a copy of this order.

8. W.P. (MD). No. 15859 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS III)

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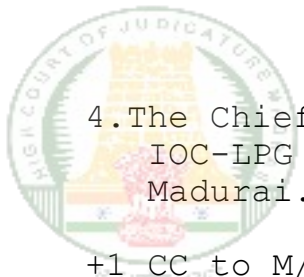
/ /2021

Sub Assistant Registrar (CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Madurai District,
Madurai.
2. The Dean,
Madurai Rajagi Hospital,
Madurai Medical Hospital,
Madurai.
3. The Commissioner,
Corporation of Madurai,
Madurai.



4.The Chief General Manager,
IOC-LPG Division,
Madurai.

+1 CC to M/s.R.PRABU RAMACHANDRAN, Advocate (SR-28400[F] dated
07/09/2021)

+1 CC to M/s.RAJA KARTHIKEYAN, Advocate (SR-28426[F] dated
07/09/2021)

+1 CC to M/s.GP (SR-28493[F] dated 08/09/2021)

W.P(MD).No.15859 of 2021
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RS (16.09.2021) 4P 8C