



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.21031 of 2021

and

W.M.P. (MD) No.17640 of 2021

WEB COPY

'X'

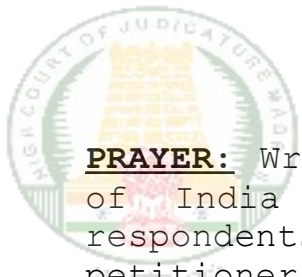
... Petitioner

[The name of the petitioner is not shown by
direction of Court]

vs.

- 1.National AIDS Control Organization,
Represented by The Director General,
Department of Health and Family Welfare,
6th and 9th Floor, Chanderlok Building,
36, Janpath, New Delhi-110 001.
- 2.State of Tamil Nadu
Represented by The Principal Secretary,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 3.State of Tamil Nadu
Represented by The Principal Secretary,
Social Welfare and Nutritious Meal Programme Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 4.The District Collector,
Tiruchirappalli District,
Tiruchirappalli-620 001.
- 5.Tamil Nadu State AIDS Control Society,
Represented by The Project Director,
417th Pantheon Salai,
Egmore, Chennai-600 008.
- 6.The District Programme Manager,
District AIDS Prevention and Control Unit,
Collectorate, Tiruchirappalli-620 001.
- 7.The Tahsildar,
Thiruverumbur Taluk,
Trichy.
- 8.The Village Administrative Officer,
Thiruverumbur Village.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 3 to 5 to issue free "house Site Patta" for the petitioner at S.No.249/4, Nochivayal Puthur, Thiruverumbur Taluk, Trichy District or any other site at "Thiruverumbur Taluk" and to provide "ART Pension" and Antyodaya Anna Yojana (AAY)-35kg rice scheme to the petitioner on the basis of Social Welfare Scheme to people living with HIV/AIDS (PLHIVs) issued by the fifth respondent by considering the petitioner's representation dated 24.10.2021 in accordance with law within the time stipulated by this Court.

For Petitioner :Mr.R.Alagumani

For R1 :Mr.V.Karthi,
Central Government Standing Counsel

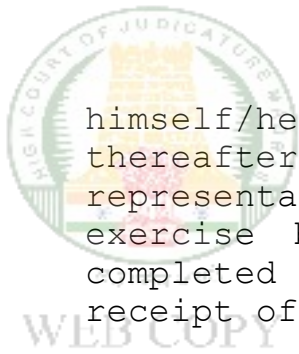
For R2 to R5 :Mr.J.John Rajadurai
Government Advocate

O R D E R

Heard Mr.R.Alagumani, learned counsel for the petitioner, Mr.V.Karthi, learned Central Government Standing Counsel, who takes notice for the first respondent and Mr.J.John Rajadurai, learned Government Advocate, who takes notice for the respondents 2 to 5.

2.The petitioner, unfortunately, is said to have been afflicted with HIV disease and he has tested HIV positive. Let me, therefore, not examine further into the details, but the petitioner appears to have given a representation on 24.10.2021, seeking a direction to issue free 'House Site Patta' in the particular place indicated in the said representation and also to provide the benefit of 'ART Pension' and Antyodaya Anna Yojana (AAY)-35 kg rice scheme. These are sought by the petitioner on the basis of the Social Welfare Schemes, which are extended to HIV patients.

3.The jurisdiction is entirely vested with the District Collector to examine the case of the petitioner, examine the medical records of the petitioner, examine other details with respect to the economic status or any other aspect of the petitioner and then take a considered decision with respect to extension of the benefit of the said schemes to the petitioner herein. If any other authority are also involved in such decision making process, the District Collector, may, instead of diverting the petitioner's case to meet such official, take upon that burden



himself/herself and obtain a report from such official and thereafter pass one common order with respect to the representation given by the petitioner herein. The entire exercise by the fourth respondent/District Collector shall be completed within a period of sixteen weeks from the date of receipt of a copy of this order.

4.The petitioner, may approach the District Collector with a fresh copy of the representation enclosing herewith all relevant documents. The petitioner may approach the District Collector also with a copy of the present order and also produced necessary identification certificates to indicate that the individual represented as 'X' in this order is actually the petitioner herein.

5.With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

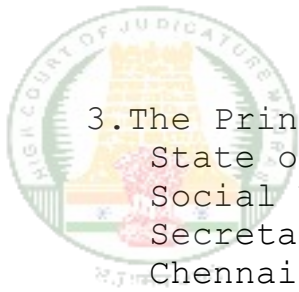
Sji

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 Director General,
National AIDS Control Organization,
Department of Health and Family Welfare,
6th and 9th Floor, Chanderlok Building,
36, Janpath, New Delhi-110 001.

2.The Principal Secretary,
State of Tamil Nadu
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai-600 009.



3.The Principal Secretary,
State of Tamil Nadu,
Social Welfare and Nutritious Meal Programme Department,
Secretariat, Fort St. George,
Chennai-600 009.

4.The District Collector,
Tiruchirappalli District,
Tiruchirappalli-620 001.

5.Tamil Nadu State AIDS Control Society,
Represented by The Project Director,
417th Pantheon Salai,
Egmore, Chennai-600 008.

6.The District Programme Manager,
District AIDS Prevention and Control Unit,
Collectorate, Tiruchirappalli-620 001.

7.The Tahsildar,
Thiruverumbur Taluk,
Trichy.

8.The Village Administrative Officer,
Thiruverumbur Village.

+1 CC to M/s.SPL GP (SR-36051[F] dated 26/11/2021)

W.P. (MD) No.21031 of 2021
and
W.M.P. (MD) No.17640 of 2021
25.11.2021

RK(07/12/2021) 4P 10C