



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07.06.2022

CORAM:

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE
W.P.No.7524 of 2022

Joyce James

...Petitioner

..Vs..

1. The State of Tamil Nadu represented by
Secretary to Government,
Revenue and Disaster Management Department,
Fort. St. George, Chennai 600 009.
2. Assistant Commissioner Greater Chennai Corporation
Zone 11, Division 155, Bhuvaneshwari Nagar,
Arcot Road, Valasaravakkam
Chennai 600 087.
3. The Collector,
Chennai 600 001

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus or direction or order or any other appropriate writ in the nature of Mandamus and direct the second respondent to clearly mention the cause of death as COVID 19 based on the medical records and consequently direct the third respondent to consider petitioner's online application COVIDDTDOC/2022/11441 dated 21.01.2022 to sanction the ex gratia of Rs.50,000/- to the petitioner within a short date that may be fixed by this Hon'ble Court.

For Petitioner : Mr. D. Daniel

For R1 & R3 : Mr. K.H. Ravikumar,
Government Advocate.

For R2 : Ms. P.T. Ramadevi,
Standing Counsel.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the second respondent to clearly mention the cause of death as COVID-19 based on the medical records and consequently direct the third respondent to consider the petitioner's online application dated 21.01.2022 seeking for an ex gratia payment of Rs.50,000/- to the petitioner.



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2. The petitioner is the mother of the deceased James Rossi David, who, according to the petitioner, died due to COVID-19. The petitioner has applied for an ex-gratia payment of Rs.50,000/- under the Government Scheme on 21.01.2022. Since the said application has not been considered, the petitioner has filed this Writ Petition.

3. Mr.K.H. Ravikumar, learned Government Advocate, accepts notice on behalf of the respondents 1 and 3 and Ms. P.T. Ramadevi, learned Standing Counsel, accepts notice on behalf of the second respondent.

4. At the outset, the learned Government Advocate appearing for the respondents 1 and 3 as well as the learned standing counsel appearing for the second respondent would submit that the medical report which has been enclosed along with the Writ Petition has been given by a private hospital and cannot be recognised.

5. Though the cause of death is disputed, no prejudice would be caused to the respondents if the petitioner's application seeking for an ex-gratia payment on account of the alleged death of her son due to COVID-19 is considered on merits and in accordance with law after affording a fair hearing to the petitioner including granting her the right of personal hearing.

6. Without expressing my views as to the merits of the claim made by the petitioner, this Court directs the petitioner to submit a fresh online application to the third respondent seeking for an ex-gratia payment of Rs.50,000/- on account of the alleged death of her son James Rossi David, on 16.05.2021 due to COVID-19 within a period of one week from the date of receipt of a copy of this order. On receipt of the said application, the third respondent shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting her the right of personal hearing within a period of four weeks thereafter.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



To

1. The State of Tamil Nadu represented by
Secretary to Government,
Revenue and Disaster Management Department,
Fort. St. George, Chennai 600 009.

2. Assistant Commissioner Greater Chennai Corporation
Zone 11, Division 155, Bhuvaneshwari Nagar,
Arcot Road, Valasaravakkam
Chennai 600 087.

3. The Collector,
Chennai 600 001

+1 cc to Ms.P.T. Ramadevi, Advocate Sr.NO.32511

+1 cc to Mr.D. Daniel, Advocate Sr.NO. 32785

+1 cc to Government Pleader Sr.NO. 33564

W.P.No.7524 of 2022

svi(CO)

A.SK(15/06/2022)