



W.P.(MD).No.18847 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2022

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

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Subburaj

... Petitioner

vs.

1.The Joint Secretary to Government of India,
Ministry of Home Affairs (Disaster Management Division),
C-Wing, 3rd Floor, NDCC-II,
Jai Singh Road,
New Delhi-110 001.

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

3.The District Collector,
Virudhunagar District,
Virudhunagar.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 and 3, to disperse Covid-19 compensation amount Rs.4 lakhs as per first respondent letter No.33-4/2020-NDM-1, dated



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14.03.2020 to the legal heirs of Ilayavel, W/o.Subburaj, who died on 05.05.2021 for Covid-19.

For Petitioner	: Mr.M.Kala Murugappan
For R1	: Mrs.L.Victoria Gowri
	Deputy Solicitor General of India
For R2 & R3	: Mr.A.Kannan
	Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of writ of mandamus, directing the respondents 2 and 3, to disperse Covid-19 compensation amount Rs.4 lakhs as per first respondent letter No.33-4/2020-NDM-1, dated 14.03.2020 to the legal heirs of Ilayavel, W/o.Subburaj, who died on 05.05.2021 for Covid-19.

2. The learned counsel appearing for the petitioner would submit that the petitioner's name is Ilayavel, 63-years-old woman, was died on 05.05.2021 for Covid-19, left behind him and three others as her legal heirs. For Covid-19 death of his wife, the concerned Government Head Quarters Hospital, Virudhunagar issued certificate dated 05.05.2021. They are a poor family. His wife was a coolie worker. As per the first



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respondent order, dated 14.03.2020, the respondents 2 and 3 ought to have dispersed Rs.4 lakhs for the Covid-19 death of his wife Ilayavel, dated 05.05.2021. But, the third respondent dispersed only Rs.50,000/- . Therefore, the petitioner has sent a representation, dated 11.08.2022 to the respondents for dispersal of the remaining amount of Rs.3,50,000/-. But, till now they had not been dispersed the aforesaid remaining amount. The respondents 2 and 3 are having legal, statutory and constitutional obligation to disperse Covid-19 compensation amount of Rs.4 lakhs to the Covid-19 death of the petitioner's wife Ilayavel, who died on 05.05.2021 as per the first respondent letter dated 14.03.2020 to the second respondent. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

3. The learned Deputy Solicitor General of India, appearing for the first respondent would submit that the MHA Letter No.33-4/2020-NDM dated 14.03.2020 mentioning ex-gratia payment of Rs.4,00,000/- to families of deceased persons was modified on the same day, and the issued relating to the release of Ex-Gratia relief has been decided by the Hon'ble Supreme Court. The Hon'ble Supreme Court through its order dated June 30, 2021 in WP (Civil) No.539 & 554/2021 has directed



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National Disaster Management Authority (NDMA) to recommend guidelines for ex-gratia assistance on account of loss of life to the family members of the persons who died due to Covid-19, as mandated under Section 12(iii) of Disaster Management Act 2005 for minimum standards of relief to be provided to the persons affected by disaster.

4. The Government of India, Ministry of Home Affairs (DM Division) have issued Guidelines for ex-gratia to next of the kin of deceased by Covid-19 under Section 12(iii) of the Disaster Management Act, 2005 and the guidelines for official document for COVID-19 death also issued by Ministry of Health and Family Welfare. The Ministry of Home Affairs, Government of India in pursuance to the direction of the Hon'ble Supreme Court and the guidelines issued by NDMA, decided to revise the the item 1 of MHA letter No.32/7/2014-NDM-1, dated 08.04.2015 in respect of the 'Gratuitous Relief' by adding a new entry as 1 (f) after 1(e) in the 'revised list of items and norms of assistance' under State Disaster Response Fund (SDRF).

5. Accordingly, letter received from the Additional Chief Secretary/Commissioner of Revenue Administration has stated that, in



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pursuance of the Hon'ble Supreme Court Judgment dated 30.06.2021, in Writ Petition (Civil) No.554/2021 and W.P(C) No.539/2021, National Disaster Management Authority (NDMA) under Section 12(iii) of the Disaster Management Act, 2005, has issued guidelines for ex-gratia assistance to next of kin of the deceased by COVID-19 on 11.09.2021. In pursuance to the direction of the Hon'ble Supreme Court and the aforesaid guidelines issued by National Disaster Management Authority (NDMA), the Government of India has decided to revise the item 1 of Ministry of Home Affairs (MHA) letter No.32/7/2014-NDM-1, dated 08.04.2015 in respect of heading “Gratuitous Relief” by adding a new entry as 1(f) after 1(e) in the 'revised list of items and norms of assistance’ under State Disaster Response (SDRF).

6. The Additional Chief Secretary/Commissioner of Revenue Administration has requested the Government to issue amendment to the G.O(Ms) No.380, Revenue and Disaster Management Department, dated 27.10.2015 by incorporating the above details 1 (f) after 1(e) under the item 1 “Gratuitous Relief” and also requested the Government to empower the District Collectors to invoke the clause TR 27 for drawal of funds in order to provide immediate relief to the victims of COVID-19.



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The Government after careful examination of the proposal of the Additional Chief Secretary/Commissioner of Revenue Administration, issued the amendment to G.O.(Ms)No.380, Revenue [DM.III(2)] Department, dated 27.10.2015.

7. In pursuance to that, the Central Government on 25.09.2021 revised the items and norms of assistance under the SDRF, making therein a provision for grant of ex-gratia payment of Rs.50,000/- by the states from their SDRF to the next of kin of the deceased due to Covid-19.

8. The learned Additional Government Pleader appearing for the respondents 2 & 3 would submit that the petitioner has received ex-gratia relief amounting to Rs.50,000/- on account of death due to COVID-19 of his wife. However, he has now filed this petition for seeking remainder compensation of Rs.3,50,000/- on account of death of the petitioner's wife due to COVID-19, while relying on MHA letter No.33-4/2020-NDM-I dated 14.03.2020. He would further submit that the above said MHA letter No.33-4/2020-NDM-I dated 14.03.2020 mentioning ex-gratia payment of Rs.4,00,000/- to families of deceased persons was



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modified on the same day, and the issue relating to release of Ex-Gratia relief has been decided by the Hon'ble Supreme Court. As per the order of the Hon'ble Supreme Court of India, The District Collector, Virudhunagar District by following the Government Order in G.O(Ms) No.831, dated 03.12.2021, Revenue and Disaster Management Department, Disaster Management Wing, D.M.III (2) Section and the Government Letter No.40/P/Special/2021-1, dated 06.12.2021 has awarded compensation of Rs.50,000/- each who were died in Covid-19.

9. He would further submit that the petitioner's wife died on 05.05.2021 and a sum of Rs.50,000/- has already been paid to the petitioner and he is not entitled for another sum of Rs.3,50,000/-.

10. It is seen from the proceedings of the District Collector, Virudhunagar District, Virudhunagar, dated 14.09.2022 that, as per the Government Order, in G.O(Ms) No.831, dated 03.12.2021, Revenue and Disaster Management Department, Disaster Management Wing, D.M.III (2) Section regarding the Disaster Management – Natural Calamities – Ex-gratia payment to next of kin of the deceased due to Covid-19 from State Disaster Response Fund (SDRF) – Amendment in revised list of



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items and Norms of assistance from State Disaster Response Fund (SDRF)- Amendment- Orders, a sum of Rs.50,000/- has been paid to the petitioner and as per new norms, only Rs.50,000/- is disbursed and not Rs.4,00,000/- as compensation. In view of the above, this writ petition stands dismissed. No costs.

17.11.2022

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To

- 1.The Joint Secretary to Government of India,
Ministry of Home Affairs (Disaster Management Division),
C-Wing, 3rd Floor, NDCC-II,
Jai Singh Road,
New Delhi-110 001.
- 2.The Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George,
Chennai-600 009.
- 3.The District Collector,
Virudhunagar District,
Virudhunagar.



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V.BHAVANI SUBBAROYAN,J.

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