



W.P.No.9035 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI, J.

W.P. No.9035 of 2020

Abdul Hameed

... Petitioner

Vs.

1. The Chief Secretary,
Secretariat,
Rajaji Salai,
Fort. St.George,
Chennai – 9.

2. The Secretary to the Government,
Revenue and Disaster Management,
Rajaji Salai,
Fort St. George,
Chennai – 9.

3. The District Collector,
District Collectorate Office,
Chengalpet.

4. The Tahsildar,
Tambaram.

5. The Revenue Inspector,
Tambaram

...Respondents



W.P.No.9035 of 2020

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st to 3rd respondents to take appropriate action against the 4th and 5th who's negligence caused death of Petitioner's father and also pay compensation a sum of Rs.20,00,000/- (Twenty Lakhs only) to the death of the petitioner's father namely Mohamed Sheriff.

For Petitioner : Mr. M. Mujibur Rahiman
For Respondents : Mr. M.Alagu Gowtham
Government Advocate

ORDER

The writ petition is filed for a Mandamus seeking for a direction to 1st to 3rd respondents to take appropriate action against the 4th and 5th who's negligence caused death of Petitioner's father namely Mohamed Sheriff and also pay compensation for a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only).

2. It is the case of the petitioner that during Covid-19 Pandemic period, his father was rescued from Malaysia to India by the Government under the Vande Matram Mission. It is averred that on arrival at Chennai Airport, the revenue officials quarantined the petitioner's father and due to jet lag and health issues, his father was complaining about his health. It is also stated that later his father complained about the sufferings and



W.P.No.9035 of 2020

suddenly died due to heart attack on 14.06.2020. It is the case of the petitioner that since, his father was not taken care properly by the respondents, he sent an email, dated 16.06.2020 to take action against the 4th and 5th respondents in respect of their negligent act and thereby, he sought for payment of compensation of Rs.20,00,000/-. Since, the said representation has not been considered by the respondents, till date, he is left with no other remedy except to approach this Court by way of filing this writ petition seeking for payment of compensation.

3. Learned counsel for the petitioner argued the case, based on the averments contained in the affidavit filed in support of this petition. She mainly contended that inspite of repeated requests made by the petitioner's father, the respondents have not treated him with due care. Therefore, due to lethargic approach as well as negligent act on the part of the respondents, the petitioner's father died. Hence, she submitted that this Court may fix the negligence on the part of the respondents in respect of the aforesaid act and directions may be issued to the respondents for payment of compensation to the petitioner.

4. Denying the submissions made by the learned counsel for the petitioner learned Government Advocate appearing for the respondents



W.P.No.9035 of 2020

vehemently argued that during Covid-19 Pandemic, the Government have taken strenuous efforts under Vande Matram Mission to repatriate the Citizens of our Country. Hence, all passengers who travelled from other Countries were put to strict protocols and were quarantined in the authorised centre for some period. That being so, he strongly opposed fixing negligence on the part of the respondents and prays for mere dismissal of this writ petition.

5. Heard, the learned counsel on both sides and perused the materials placed before this Court.

6. Admittedly, the petitioner's father was repatriated by the Government under Vande Matram Mission, thereby his father arrived Chennai Airport on 13.06.2020. A perusal of records reveal that as per the mandatory prescriptions, RT-PCR test was conducted for the petitioner's father and till the arrival of the said result, he was in the Quarantine Centre at Mambakkam. Unfortunately, on 14.06.2020, his father died in the Quarantine Centre. It is to be pointed out that during the said period, stress was one of the contributing factors for death with



W.P.No.9035 of 2020

many people fearing and had died during the said Covid-19, Pandemic period. Hence, it is would not be fair for this Court to fix the

negligence on the respondents, as it is evident that the entire Government machinery was working in full vigour to save all the persons from the clutches of the COVID-19 demon. The mere fact that the petitioner's father died while in a quarantine facility would not be a ground to hold that there was negligence caused by the respondents, which resulted in his death. No material whatsoever is placed before this Court to show such is the case and in the absence of any material, to hold the respondents liable, would be wholly unjustified.

7. For the reasons aforesaid, this writ petition is devoid of merits and, accordingly, the same is dismissed. No costs.

07.06.2023

Internet : Yes/No

Index: Yes/No

Speaking order/Non-speaking order
vsi2



WEB COPY



W.P.No.9035 of 2020

M.DHANDAPANI, J.

vsi2

To

1. The Chief Secretary,
Secretariat,
Rajaji Salai,
Fort. St.George,
Chennai – 9.

2. The Secretary to the Government,
Revenue and Disaster Management,
Rajaji Salai,
Fort St. George,
Chennai – 9.

3. The District Collector,
District Collectorate Office,
Chengalpet.

4. The Tahsildar,
Tambaram.

5. The Revenue Inspector,
Tambaram

W.P. No.9035 of 2020

07.06.2023