



W.P.No.21563 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.21563 of 2023

Sasikala

... Petitioner

Vs

1.The District Collector
Krishnagiri
Krishnagiri District.

2.The Tahsildar
Taluk Office
Hosur, Krishnagiri District.

3.The Member Secretary
National Disaster Management Authority
NDMA Bhawan
A-1 Safdarjung Marg, New Delhi
Delhi - 110 029.

4.The Commissioner
Tamil Nadu State Disaster Management Authority
Commissionerate of Revenue Administration
and Disaster Management
Ezhilagam, Chepauk, Chennai
Tamil Nadu - 600 005.

... Respondents

[Respondents 3 and 4 are suo motu impleaded vide
order dated 21.07.2023 in WP.No.21563 of 2023]



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to consider the representation dated 09.04.2023 requesting to pay COVID Relief Fund as prescribed by the Government of Tamil Nadu based on petitioner's representation.

For Petitioner : Mr.K.Thiruvengadam

For Respondents : Mr.G.Ameedius
Government Advocate for R1, R2 & R4

Mr. K.Subbu Ranga Bharatthi
Central Govt Standing Counsel for R3

ORDER

The petitioner's husband is stated to have died on 18.05.2021 due to COVID-19, and that she had spent more than Rs.10,00,000/- towards medical treatment. The petitioner now seeks compensation of the said sum, and submitted that her representation to the respondents 1 and 2 on 09.04.2023, finds no response till date.

2. The learned counsel for the petitioner himself made a fair statement before the Court that the need for paying the victims of CORONA positive



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was taken by the Hon'ble Supreme Court, wherein the Hon'ble Supreme Court has directed to devise the norms for payment of compensation. Based on the same, the Government of India came out with a policy guidelines of National Disaster Management dated 11.09.2021, wherein the Government has sanctioned Rs.50,000/- as ex-gratia for every death, provided that the death is certified due to COVID-19 Pandemic.

3. In view of the said guidelines, it is very apparent that the petitioner would be entitled to only Rs.50,000/- towards compensation under the National Disaster Management for COVID-19, provided she produces the death certificate of the deceased to the effect that the death was due to COVID-19.

4. This Court suo motu impleads the Member Secretary, National Disaster Management Authority, New Delhi as third respondent, and the Commissioner, Tamil Nadu State Disaster Management Authority, Chennai as the fourth respondent.

5. The learned counsel appearing for the third respondent informs this Court that the Ministry of Health & Family Welfare came out with an official



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memorandum dated 03.09.2021, providing guidelines as to how the death certificate due to COVID 19 need to be, and also in cases where it is not certified in the death certificate that the death had occurred due to COVID.

6. The effect of the guidelines is that even where any of the heirs of the victim of COVID-19 had already obtained a death certificate without the additional certification that the death was due to COVID-19, they can still obtain a certificate to that effect on production of RT-PCR test results.

7. The petitioner is now required to approach the fourth respondent with appropriate form along with the death certificate of her husband with requisite certification that her husband's death was due to COVID-19. Upon receipt of the same, the fourth respondent / authority concerned if satisfied with the information provided, is required to release the ex-gratia sum of Rs.50,000/- as per the policy guidelines issued by the National Disaster Management, within a period of eight weeks from the date on which the petitioner produces the requisite documents.



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8. The writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Speaking order / Non-speaking orders

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N.SESHASAYEE.J.,

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