



WEB COPY



W.P.No.19078 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.19078 of 2020
and WMP.No.23649 of 2020

C.V.Harikrishna

... Petitioner

Vs

1.National Disaster Management Authority

Rep by its Member Secretary

NDMA Bhawan

A-1 Safdarjung Marg

New Delhi

Delhi - 110 029.

2.Tamil Nadu State Disaster Management Authority

Rep by Commissioner

Commissionerate of Revenue Administration

and Disaster Management

Ezhilagam, Chepauk

Chennai

Tamil Nadu - 600 005.

3.The District Collector - Kanchipuram

Chairperson (Ex officio)

Kanchipuram District Disaster Management Authority

District Collectorate

Kanchipuram

Tamil Nadu - 631 501.

... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the third respondent to make the payments due to the petitioner as per guidelines framed under Sec.19 and Sec.12 of Disaster Management Act, 2005.

For Petitioner : Mr.P.Raja

For Respondents : Mr.K.Subbu Ranga Bharathi
Central Govt. Standing Counsel for R1
Mr.G.Ameedius
Government Advocate for R2 & R3

ORDER

The petitioner's father was found COVID-19 positive on 10.07.2020, and on the same day he was hospitalised in Government Head Quarters Hospital, Kanchipuram, and was discharged on 15.07.2020. On 16.07.2020, the petitioner's father again experienced certain breathing difficulties and he was rushed to Bewell Hospital at T.Nagar, Chennai, and breathed his last on 21.07.2020. The petitioner now seeks compensation of Rs.4,12,700/- based on earlier norms fixed under the Disaster Management Act, 2005.

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 was taken by the Hon'ble Supreme Court, wherein the Hon'ble Supreme



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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 he produces the death certificate of the deceased to the effect that the death was due to COVID-19.

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

5. The effect of the guidelines is that even whether any of the heirs of the victim of COVID-19 had already obtained a death certificate without the



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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.

6. The petitioner is now required to approach the second respondent with appropriate form along with the death certificate of his father with requisite certification that his father's death was due to COVID-19. Upon receipt of the same, the second 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.

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

19.07.2023

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



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Delhi - 110 029.
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Commissionerate of Revenue Administration
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N.SESHASAYEE.J.,

ds

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