



W.P(MD)No.25406 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25406 of 2022

N.Sabrinathan

... Petitioner

Vs.

1.The Secretary,
Department of Public Health,
Government of Tamil Nadu,
St. George Fort, Chennai.

2.The Dean,
Government Rajaji Hospital,
Madurai 625 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st Respondent and 2nd respondent on the basis of 19.07.2022 representation and consequently direct the 1st and 2nd Respondents to pay a Compassion of Rs.40 Lakhs on the basis of medical negligence to the petitioner within the time frame.

For Petitioner : Mr.V.Balasubramanian

For Respondents : Mr.G.V.Vairam Santhsoh,
Addl. Government Pleader.



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ORDER

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Heard both sides.

2.The petitioner's daughter / Tamilarasi passed away due to Covid – 19 on 26.09.2022. The case of the petitioner is that her daughter was administered by Covid – 19 vaccine and notwithstanding the same, the death had taken place. The petitioner seeks payment of compensation. In writ proceedings, the State can be directed to pay compensation provided negligence is established. From a reading of the averments set out in the affidavit filed in support of the writ petition, I am not able to come to any conclusion that there was negligence on the part of the authorities. No individual doctor has been named in person. I can only permit the petitioner to approach the District Collector, Madurai for payment of *ex-gratia*. G.O.(Ms) No.887 Revenue and Disaster Management Department dated 16.12.2021 provides for *ex-gratia* payment to the next of the skin of the deceased died due to Covid – 19 from State Disaster Response Fund (SDRF). The petitioner is permitted to file such an application before the District Collector, Madurai. On such application being filed, the District Collector, Madurai will satisfy herself that the petitioner's daughter had died due to Covid – 19. Upon such satisfaction, a sum of Rs.50,000/- as *ex-gratia* shall be paid to the petitioner herein.



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3.The writ petition is disposed of accordingly. No costs.

09.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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G.R.SWAMINATHAN, J.

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