

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP Nos. 10466 and 12237 OF 2022 and WP No.14535 of 2023

AND

WMP NOs. 11688 and 11689 of 2022

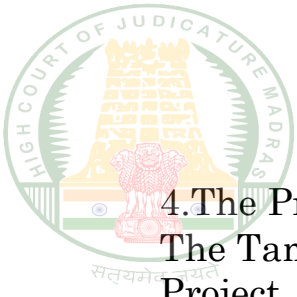
WP No.10466 of 2022

1. Dr.T.Naidu
S/o. K. P. Naidu,
Chairman and Managing Trustee,
D D Medical and Educational
Trust No. 7, D D Hospital bus stop
Chennai to thirupathi national
highway NH - 205, Kunnavalam
Post, Thiruvallur Taluk and
District, Chennai 631 210

Petitioner(s)

Vs

1. The Chief Secretary to
Government
Government of Tamil nadu
Secretariat, Fort St. George
Chennai 600 009
- 2.The Principal Secretary to
Government
Health And Family Welfare
Department, Government Of
Tamil Nadu, Secretairat, Fort St.
George Chennai 09
- 3.The Collector
Thiruvallur District, Tamilnadu
602 001



4.The Project director
The Tamil Nadu Health System
Project, Department Of Health
And Family Welfare, Government
Of Tamil Nadu, 3rd Floor, DMS
Annex New Building No. 259,
Anna Salai Teynampet,
Chennai 06

5.Tahsildar
Thiruvallur Taluk,
Thiruvallur District

6.The State Disaster Management
Authorities
Government Of Tamilnadu
Commissionerate Of Revenue
Administration And Disaster
Management, Ezhilagam,
Chepauk, Chenani 05

7.The Block Medical officer
Government Primary Helth
Centre Katchur, Tiruvallur
District

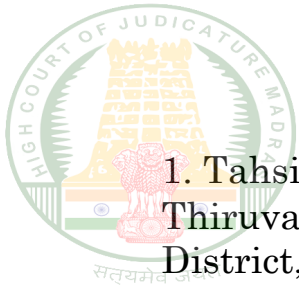
Respondent(s)

WP No. 14535 of 2023

1. Dr.T.D.Naidu
S/o.K.P. Naidu, Chairman and
Managing Trustee, D. D Medical
and Educational trust, No.7 D D
Hospital Bus Stop. Chennai to
Tirupathi National Highway
NH - 205. Kunnavalam Post,
Thiruvallur Taluk and District,
Chennai - 631 201.

Petitioner(s)

Vs



1. Tahsildar
Thiruvallur Taluk, Thiruvallur
District,

2. The Collector
Thiruvallur District,
Tamil Nadu - 602 001.

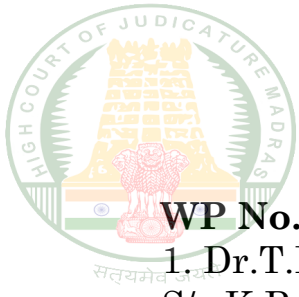
3. The Principal Secretary to
Government
Health and Family Welfare
Department, Government of
Tamil Nadu, Secretariat, Fort St.
George, Chennai - 600 009.

4. The Chief Secretary to
Government
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.

5. The Project Director
the Tamil Nadu Health Systems
Project, Department of Health
and Family Welfare, Government
to Tamil Nadu, 3rd Floor, DMS
Annex New Building, No.259,
Anna Salai, Teynampet,
Chennai - 600 006.

6. The State Disaster Management
Authorities,
Government of Tamil Nadu,
Commissionerate of Revenue
administration and Disaster
Management, Ezhilagam
Chepauk, Chennai - 600 005.

7. The Block Medical Officer,
Government Primary health
Centre, Katchur,
Thiruvallur District.



Respondent(s)

WP No. 12237 of 2022

1. Dr.T.D.Naidu
S/o.K.P.Naidu Chairman and
Managing trustee, D D medical
and Educational trust
No. 7, D D Hospital bus stop
Chennai to Thirupathi National
Highway NH - 205 Kunnavalam
post Thiruvallur Taluk and
District Chennai 631 210

Petitioner(s)

Vs

1. The Chief Secretary to
Government
Government of Tamil Nadu
Secretariat Fort St. George
Chennai 600 009

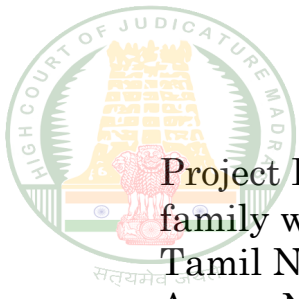
2.The Principal Secretary to
Government
Health and Family Welfare
Department, Government of Tamil
Nadu, Secretariat, Fort St. George
Chennai 09

3.The Collector
Thiruvallur District,
Tamil Nadu 602 001

4.Tahsildar
Thiruvallur Taluk
Thiruvallur District

5.The Block Medical officer
Government Primary health
centre, Katchur,
Thiruvallur District

6.The Project Director
TheTamil Nadu Health Systems

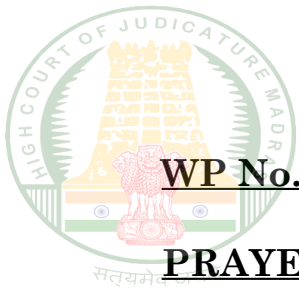


Project Department of Health and
family welfare Government of
Tamil Nadu 3rd Floor, DMS
Annex New Building No. 259,
Anna salai Teynampet Chennai 06

Respondent(s)

PRAYER in WP No.10466 of 2022

Writ petition filed under Article 226 of Constitution of India for the issuance of writ of Mandamus directing the official respondents 1 to 6 to make the payment to the petitioner for an amount of Rs. 414,27,50,000/- (rupees four Hundred Fourteen Crores Twenty seven Lakhs and Fifty Thousand only) as per the G.O. (Ms) No. 240 issued by the Health and Family Welfare (EAPI-1) department dated 05.06.2020 (Annexure) in the light of the section 65 and 66 of the Disaster Management Act 2005 for the usage and utilization of 3000 bedded complete Medical facilities along with all Resources All basic Amenities, premises, Residential facilities for doctors including nurses and other all supporting staffs, canteen facilities admeasuring 10,0000 sq.ft parking area, complete Infrastructure facilities and Amenities which is ad-measuring 16,82,212 Sq.ft. Medical equipments, entire medical systems, Human resource altogether all facilities of DD Medical College and DD Hospital have been using for treating COVID 19 patients from 01.03.2021 to till 28.02.2022 and also to pay compensation to the petitioner for sidda Hospital operated by the District Administration of Thiruvallu and the Government of Tamil for providing treatment for the Covid 19 patients from 01.03.2021 to till 28.02.2022 in the DD Medical College and D D Hospital and pass orders.

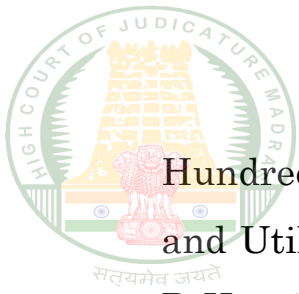
**WP No. 14535 of 2023****PRAYER**

WEB COPY

Writ petition filed under Article 226 of Constitution of India for the issuance of writ of Mandamus directing the respondents 1 to 6 to make the payment to the petitioner as claimed in his representation dated 31.03.2023 as per the G.O. (Ms) No.240, issued by the Health and Family Welfare (EAPI) department, dated 5.06.2020 (Annexure A) in the light of the section 65 and 66 of the Disaster Management Act, 2005 for the usage and utilization of 3000 bedded Complete Medical facilities along with all Resources, All basic Amenities, premises, Residential facilities for doctors including nurses and other all supporting staffs, canteen facilities ad-measuring 10,000 sq.ft, parking area, complete Infrastructure facilities and amenities which is ad-measuring 16,72,212 sq.ft, Medical Equipment's entire Medical systems, Human resource, altogether all facilities of D D Medical College and D D Hospital have been using for treating COVID - 19 Patients from 01.03.2022 to 31.03.2023 and also compensation for the 600 beds and cots from 28.02.2022 to till today as per section 65 and 66 of the Disaster Management Act, 2005 and pass orders.

WP No. 12237 of 2022**PRAYER**

Writ petition filed under Article 226 of Constitution of India for the issuance of writ of Certiorarified Mandamus top call for the records pertaining to the order dated 28.03.2022 passed by the 3rd Respondent vide Rc. No. 7936 / 2020 / 11 and quash the same and direct the respondents from 1 to 3 to make payment of compensation to the petitioner for an amount Rs. 367,40,000,00/- (Rupees Three



Hundred Sixty Seven Crores and Forty Lakhs Only) for the usage and Utilization of 3000 bedded facility of D D Medical college and D D Hospital as the Emergency Care Centre with additional 1000 beds for treating Covid 19 Patients from 01.04.2020 to 28.02.2021 by the Disrict administration of Thiruvallur and the Government of Tamil nadu as per the provisions of section 65 and 66 of the Disaster management Act 2005 in the light of the G.o. (Ms) No. 240 issued by the Health and Family Welfare (EAPI-1) Department dated 05.06.2020 (ANNEXURE A) and pass orders.

For Petitioner(s): Mrs.A.L.Gandhimathi
for Mr.A.Saravanan
For Mr.S.J.Mohammed Sathik
Respondent(s): Government Advocate
for Respondents.

COMMON ORDER

These writ petitions have been filed challenging the proceedings of the 3rd respondent dated 28.03.2022 and also for a direction to the respondents to make payment to the petitioner for the utilisation of the hospital and other facilities along with the infrastructure for the period from April 2020 to 2023.

2. The case of the petitioner is that the DD Medical college has been utilised by the Thiruvallur District Administration and Government of Tamil Nadu for treating COVID 19 patients by utilising 3000 bedded facility of the college as emergency care centre

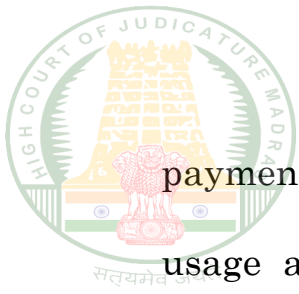


with additional 1000 beds by invoking the provisions of Section 66 of the Disaster Management Act 2005, for the period from 2020 – 2023.

The petitioner was not given the payment for having utilised the hospital and other facilities. Hence, the petitioner submitted a representation to the respondents insisting for payment. Since the same did not evoke any response, WP No.7244 of 2021 was filed before this Court and this Writ petition was disposed of by an order dated 24.01.2022, directing the respondents to deal with the representation made by the petitioner and to take a decision within the time frame fixed by this Court.

3. Pursuant to the above order passed by this Court, the impugned proceedings dated 28.03.2022 was issued by the District Collector, Thiruvallur. The District Collector informed the petitioner that there are merits in the claim made by the petitioner and that the petitioner is not entitled for payment of any compensation and it is the Government which has spent a huge amount of Rs.2,02,39,000/- towards infrastructure.

4. Aggrieved by the said order, WP No.12237 of 2022 has been filed. In this writ petition, the petitioner has also sought for



payment of compensation to the tune of Rs. 367,40,00,000/- for the usage and utilisation of the 3000 bedded facility at DD Medical College and Hospital for the period from 01.04.2020 to 28.02.2021.

5. WP No.10466 of 2022 has been filed for the issue of writ of Mandamus directing the respondents to make a payment of Rs.414,27,50,000/- towards the utilisation of the facilities from 31.03.2021 to 28.02.2022.

6. WP No.14535 of 2023 has been filed for the issue of writ of Mandamus directing the respondents to make the payment for the period from 01.03.2022 to 31.03.2023.

7. The District Collector has filed individual counter affidavits. The District Collector has taken a stand that the space was utilised by the District Administration only up to 03.12.2020 and the Government had spent towards infrastructure to the tune of Rs.2,02,39,000/- The District Collector has also specifically denied the fact that the claim made by the petitioner seeking for compensation for the years 2021, 2022 and 2023 on the ground that the property was not put to use during this period. The District Collector has



taken a further stand that the claim made by the petitioner lacks merits and that the reliance placed by the petitioner on the reports submitted by the Tahsildar cannot be sustained, since false information was furnished by the Tahsildar, Thiruvallur and hence, disciplinary proceedings were initiated against him and he was suspended from service. Ultimately, it ended in imposing punishment against the concerned Tahsildar. Hence, the District Collector has questioned the very claim made by the petitioner in these writ petitions and disputed various facts raised by the petitioner and has sought for the dismissal of all these three writ petitions.

8. When the writ petition came up for hearing on 07.08.2025, this Court heard the learned Senior counsel appearing on behalf of the writ petitioner and the learned Additional Advocate General appearing on behalf of the respondents and passed the following order:-

This Court heard the learned Senior counsel appearing on behalf of the writ petitioner and the learned Additional Advocate General appearing on behalf of the respondents.

2. The crux of the issue that has been raised by the learned



WEB COPY

Senior Counsel appearing on behalf of the writ petitioner is that when the District Collector rejected the entire claim made by the petitioners through the impugned proceedings dated 28.03.2022, there was absolutely no reference to any of the reports that were submitted by the Tahsildar to the District Collector. To substantiate the same, the learned Senior Counsel relied upon the documents that are available from page No.24 to page no.104 in the convenience typed set of papers filed in these writ petitions.

3. The learned Additional Advocate General submitted that the Tahsildar, who gave such a report has been suspended and disciplinary proceedings has been initiated against him. The learned Additional Advocate General further submitted that it is the respondents, who had spent a total sum of Rs.2,02,39,000/- (Rupees Two Crores two lakhs and thirty nine thousand) to create the infrastructure and if at all any amount is payable to the petitioner, it will be only for the period from 01.04.2020 till December, 2020 for having occupied the space.

4. The learned Additional Advocate General submitted that the rent payable for this period can be determined and the amount that has been spent by the respondents must be given credit and if there is any balance amount, the same can be paid to the



WEB COPY

petitioner. The learned Additional Advocate General relied upon additional typed set of papers to substantiate the submissions apart from the counter affidavits filed in these writ petitions.

5. The copy of the additional typed set of papers filed on the side of the respondents is not available in the case bundle and the learned Senior counsel appearing on behalf of the petitioner is also not having a copy. Hence, additional typed set of papers be filed by the respondents along with relevant documents by serving advance copy on the learned Senior counsel appearing for petitioner.

Post these writ petitions under the caption “Part Heard Case” on 21.08.2025 at 2.15 p.m.

9. When the matter was taken up for hearing today, the learned Additional Advocate General produced the copy of the proceedings of the District Collector dated 07.03.2023 pertaining to the disciplinary proceedings initiated against the Tahsildar, Thiruvallur. On going through the same, it is seen that nearly eight charges were framed against the delinquent Tahsildar and ultimately, it was found that the charges were proved and a



punishment of stoppage of increment with cumulative effect for two years was imposed.

WEB COPY

10. The learned Additional Advocate General by relying upon the proceedings of the District Collector submitted that the reliance placed by the learned Senior counsel appearing on behalf of the petitioner on the various reports /communications given by the Tahsildar cannot be acted upon in the light of the conduct of this Tahsildar against whom punishment has been imposed. It was submitted that the charge was based on those communications / reports which were given by the Tahsildar during the relevant point of time.

11. The learned Senior counsel appearing on behalf of the petitioner submitted that the property has been utilised by the District Administration till the year 2023 and therefore, they are liable to pay the rent for this period.

12. In reply to the above submission, the learned Additional Advocate General submitted that the respondents are seriously disputing the fact that the property was put to use till the year 2023



and whereas, the property was utilised only up to 03.12.2020.

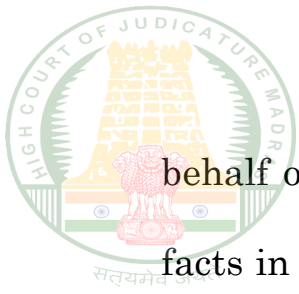
WEB COPY

13. There are no documents available before the Court to establish the fact that the property was put to use beyond 03.12.2020 except for some news reports.

14. The next submission that was made by the learned Senior counsel pertains to the availability of the infrastructure in the subject property. The learned Senior counsel submitted that a 3000 bedded facility was available in the medical college and hospital which was put to use as an emergency care centre with additional 1000 beds for treating the corona virus patients.

15. The learned Senior counsel also pointed out to the counter affidavit filed by the Collector and particularly paragraph 18 of the counter affidavit in WP No.12237 of 2022 and submitted that there were 1400 cots and therefore, the respondents are liable to pay the rent for the space as well as those facilities which were available in the hospital.

16. The learned Additional Advocate General appearing on



behalf of the respondents submitted that there are various disputed facts in this case and hence, the claim made by the petitioner cannot be decided in these writ petitions and the petitioner if at all wants to make such a claim, can work out their remedy in Civil Court. Thus, the learned Additional Advocate General questioned the very maintainability of these writ petitions.

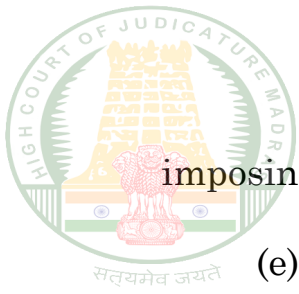
17. In the considered view of this Court, the following disputed facts arises in these writ petitions and they are :-

(a) The period for which the property was utilised by the District Administration.

(b) Whether any infrastructure was available at the time when the District Administration took over the Medical college and Hospital during April 2020

(c) Whether it was a 3000 bedded hospital as is claimed by the petitioner or whether it had 1400 cots as is mentioned in the counter affidavit filed by the District Collector.

(d) Whether the report submitted by the Tahsildar can be relied upon in view of Disciplinary proceedings initiated against him for furnishing such reports and which ultimately resulted in

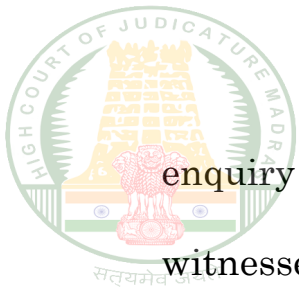


imposing punishment against him and

(e) Whether the respondents had spent a sum of Rs.2,02,39,000/- towards creation of infrastructure.

18. When it comes to making any money claim or payment of compensation in a writ petition, normally the writ Court does not exercise its jurisdiction under Article 226 of the Constitution of India. However, there is no blanket ban in entertaining the writ petition where there are no seriously disputed facts involved in the writ petitions. The Court can also deal with the claim where sufficient documents are available to arrive at a conclusion. In other words, the writ Court only imposes self imposed restrictions when it comes to disputed question of facts.

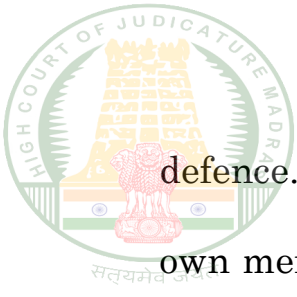
19. In the case in hand, there is no dispute with regard to the fact that the college and the hospital belonging to the petitioner was utilised by the District Administration during the period from April 2020 to December 2020. With respect to all the other facts, there is a dispute and those disputes have been identified and captured supra. Under such circumstances, this Court cannot conduct a roving



enquiry and those disputes can only be resolved by examining witnesses and by appreciation of evidence which only a Civil Court can do.

20. In view of the above, the limited relief that can be granted in favour of the petitioner is for the utilisation of the property from April 2020 to December 2020 for which the rent/compensation payable to the petitioner should be determined. Out of this amount, the amount that was spent towards infrastructure to the tune of Rs.2,02,39,000/- must be given credit. The balance amount, if any, will be payable to the petitioner. Such payment shall be made within a period of four weeks from the date of receipt of a copy of this order.

21. Insofar as the other claims made by the petitioner, it cannot be decided in these writ petitions. Such claim for payment / compensation can be worked out before the competent Civil Court by letting in evidence. The time spent by the petitioner before this Court, should be taken into account under Section 14 of the Limitation Act, while calculating the limitation for filing the suit. It is left open to the petitioner to raise all grounds before the competent Court and it is also left open to the respondents to raise all their



defence. The same will be considered by the concerned Court on its own merits and in accordance with law without being swayed by any of the observations made by this Court in these writ petitions.

22. In the result, all these writ petitions are disposed of in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

21-08-2025

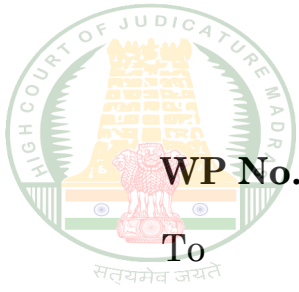
rka

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



WP No. 10466 of 2022

To

WEB

1. The chief secretary to

Government

Government of Tamil nadu

Secretariat, Fort St. george

chennai 600 009

2. The Principal Secretary to

Government

Health And Family Welfare

Department, Government Of

Tamil Nadu Secretairat, Fort St.

George Chennai 09

3. The Collector

Thiruvallur District Tamilnadu

602 001

4. The Project director

The Tamil Nadu Health System

Project, Department Of Helath

And Family Welfare, Government

Of Tamil Nadu 3rd Floor Dms

Annex New Building No. 259,

Anna Salai Teynampet, Chennai

06

5. Tahsildar

Thiruvallur Taluk Thiruvallur

District

6. The State Disaster management
Authorities

Government Of Tamilnadu

Commissionerate Of Revenue

Administration And Disaster

Management Ezhilagam Chepauk,

Chenani 05

7. The Block Medical officer



Government Primary Helth
Centre Katchur Tiruvallur
District

WEB COPY

WP No. 12237 of 2022

To

1.The chief secretary to
Government
Government o Tamil Nadu
secretariat Fort St. George
chennai 600 009

2.The Princial Secretary to
Government
Health and Family Welfare
Department, Government of tamil
Nadu Secretariat Fort St. Goerge
chennai 09

3.The Collector
Thiruvallur District Tamil Nadu
602 001

4.Tahsildar
Thiruvallur Taluk Thiruvallur
District

5.The Block Medical officer
Government Primary health
centre Katchur, Thiruvallur
District

6.The Project Director
TheTamil Nadu Helath Systems
Project Department of Health and
family welfare Government of Tail
Nadu 3rd Floor, DMS Annex New
Building No. 259, Anna salai
Teynampet chennai 06



WEB COPY

WP No. 10466 of 2022



N.ANAND VENKATESH J.
rka

**WP Nos. 10466,
14535 and 12237 of
2022
WMP NO. 11688 OF
2022 and WMP NO.
11689 OF 2022**

21-08-2025