

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.05.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12011 of 2021

D.I.Nathan

... Petitioner

Vs.

- 1 The Chief Secretary
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai 600 009.
 - 2 The Principal Secretary
Department of Health and Family Welfare
Secretariat, Fort St. George
Chennai 600 009.
 - 3 The Director of Public Health
DPA Campus, Teynampet
Chennai 600 018.
 - 4 The Director of Medical Education
DME Office, KMCH Campus, Kilpauk
Chennai 600 010.
 - 5 The Director of Medical and
Rural Health Services
DMS Complex
361, Anna Salai
Chennai 600 018.
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 2 to 5 to devise a scheme of undertake all the private Nursing Homes, Poly clinics and Hospitals of all kinds existing in the State of Tamil Nadu under their control to admit and to provide free treatment effectively to the Covid -19 Pandemic Positive infected patients of Tamil Nadu State during this Covid -19 Pandemic Medical Emergencies situation and circumstances since there has been exigent need of lot of Beds and other medical facilities till Covid-19 Pandemic viral infection vanishes in the state at this juncture on the basis of News Paper Reports published in The Hindu daily dated 01/05/2021, The Indian Express daily dated 07/05/2021 and The Times of India dated 09/05/2021.

For Petitioner : No appearance
For Respondents : Mr.R.Shunmugasundaram
Advocate-General
Assisted by
Mrs.A.Srijayanthi, Spl. Govt. Pleader

ORDER

(Made by the Hon'ble Chief Justice)

Though the petitioner is not represented, it is submitted on behalf of the State and the official respondents that measures have been taken to ensure that the poor and the underprivileged who may not obtain beds at government hospitals and are forced to obtain treatment at private facilities do not have to pay anything for the treatment of Covid-19.

2. An affidavit has been filed by the Health Secretary in response to the petition. References have been made therein to several notifications issued by the State Government, including a notification dated May 22, 2021, bearing G.O.Ms.No.251.

3. The State's affidavit indicates that more than 1.58 crore families in the State are covered by the Chief Minister's Comprehensive Health Insurance Scheme. The affidavit also refers to government officials and retired government servants being covered by the Group Health Insurance Scheme that would cover most of the expenses for their treatment.

4. The thrust of the petition, however, appears to be in respect of those persons who are not covered by the Group Health Insurance Scheme or the Chief Minister's Comprehensive Health Insurance Scheme and who may not obtain a bed at any government hospital despite best efforts. There are reports in the media about exorbitant charges being obtained by private hospitals. This aspect of the matter needs to be looked into by the State and some kind of cap put, based on the extent of services rendered, so that an ordinary citizen unable to obtain a bed at any government medical facility is not financially

ruined only in trying to save his life by obtaining admission at a private hospital.

5. The matter will appear a week hence.

6. List on 31.05.2021.

(S.B., C.J.) (S.K.R., J.)
24.05.2021

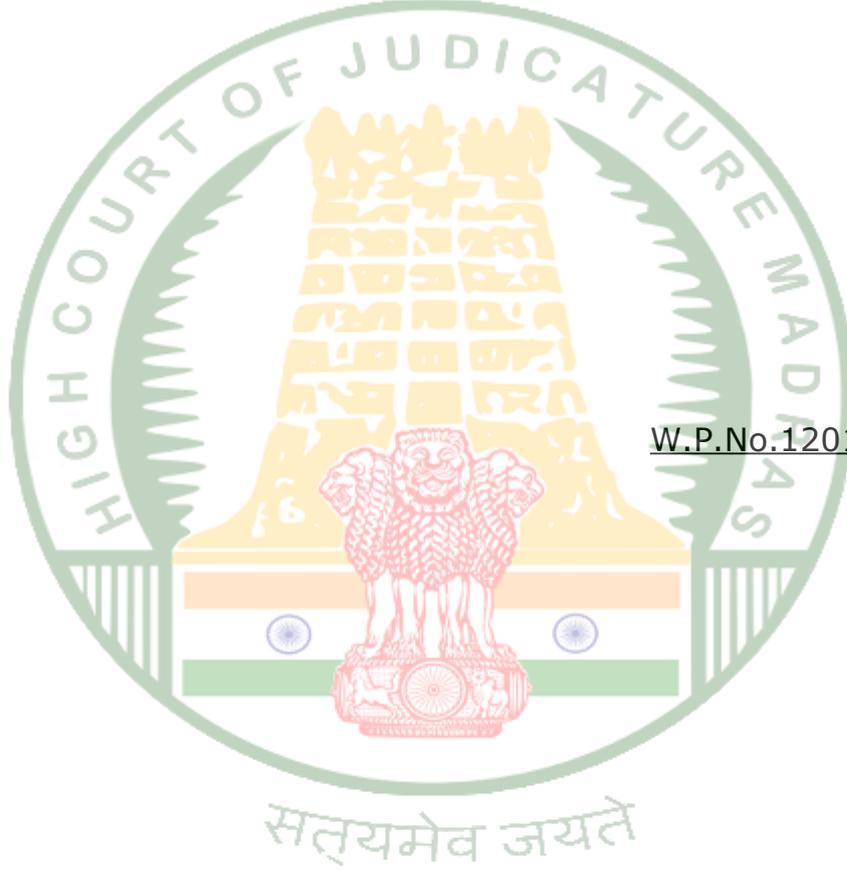
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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.



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