

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12444 of 2021

R.Boomiraj

Vs.

The Chief Secretary,  
Government of Tamilnadu,  
Secretariat, Fort St. George,  
Chennai 600 009.

.. Petitioner

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to devise a scheme to award a compensation of adequate and necessary amount and for granting and providing other relief measures to the kith and kins of the Covid-19 dead family, for the welfare of the children of both parents unfortunately succumbed to Covid-19 Pandemic death and also to pay an adequate solatium to the relatives of the Covid-19 Pandemic dead in order to meet out the funeral expenditures on the basis of the representation made by the petitioner on 19.05.2021 to the respondent in the larger interest of public in the state on merits in accordance with Constitutional Law and under Section 19 of Disaster Management Act, 2005.

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For Petitioner : Mr.R.Krishnamurthy

For Respondent : Mr.R.Shumugasundaram  
Advocate-General  
assisted by Mr.P.Muthukumar,  
Counsel for the State

## WWW.LIVELAW.IN

### ORDER

(Made by the Hon'ble Chief Justice)

This issue raised is a matter of pure policy that the executive has to decide on and the Court can scarcely interfere therein.

2. It has become a habit in this Court to invoke the extraordinary jurisdiction under Article 226 of the Constitution by way of public interest litigation, sometimes for self-publicity, to seek extraordinary orders that the judiciary may just not be competent to pass. It is a matter of policy as to whether a State decides to extend relief or to what extent, to persons affected by any calamity or disaster. The Court cannot issue a mandamus directing all Covid victims to be compensated, irrespective of the financial position that the families may be in. It is a pure executive action that has to be taken on the basis of the policy of the government of the day and the data that it gathers in such regard.

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3. In any event, several schemes have been put in place, both at the State level and at the Central level for providing relief to certain classes of persons, whether by way of food or by way of

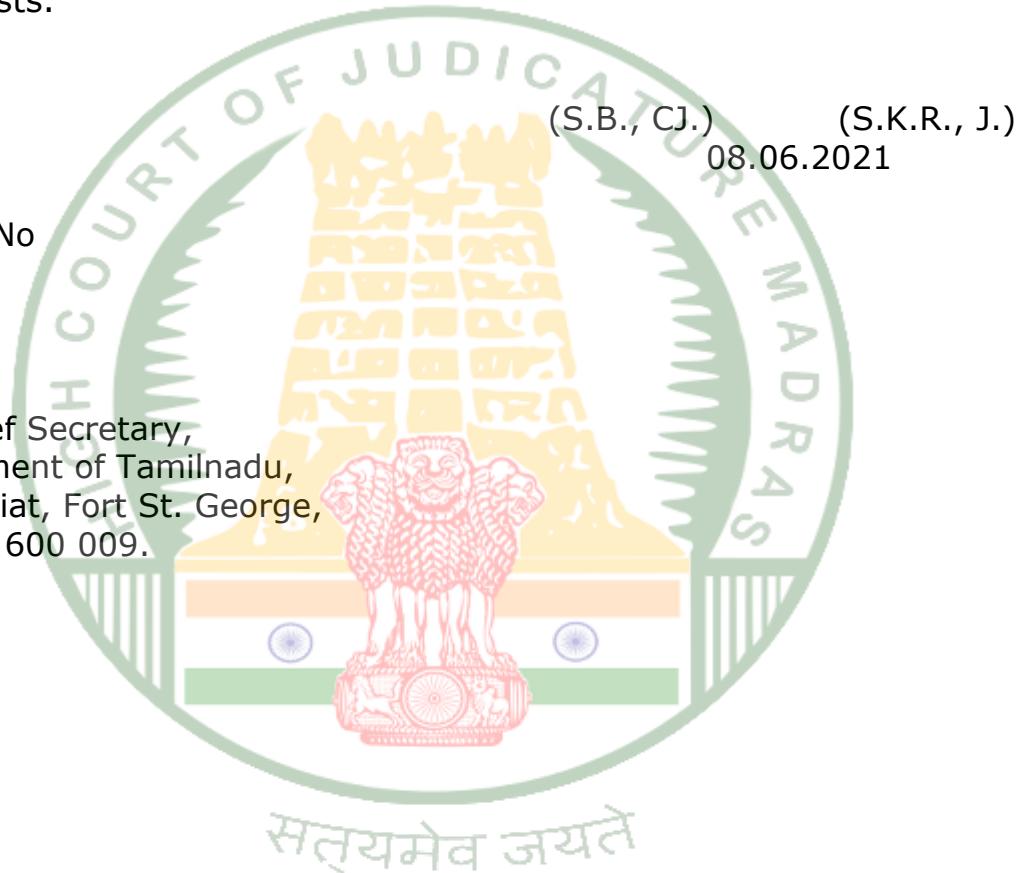
financial assistance. It is best that such matters are left to the executive without interference by Courts.

W.P.No.12444 of 2021 is disposed of. There will be no order as to costs.

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To:

The Chief Secretary,  
Government of Tamilnadu,  
Secretariat, Fort St. George,  
Chennai 600 009.

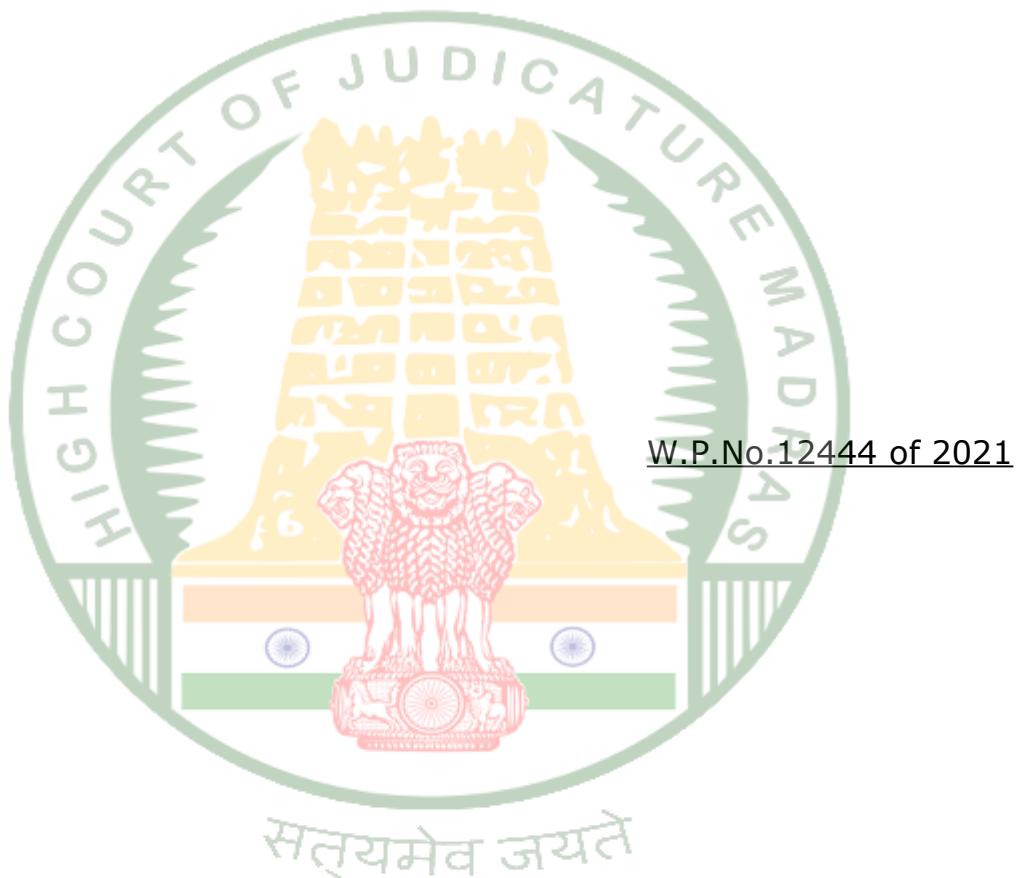


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W.P.No.12444 of 2021

THE HON'BLE CHIEF JUSTICE  
**WWW.LIVELAW.IN** AND  
SENTHILKUMAR RAMAMOORTHY, J.

(sasi)



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CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

J.Brezhnev

.. Petitioner

Vs.

1.The State of Tamil Nadu,  
rep. by its Chief Secretary,  
Health, Medical Education and Family Welfare,  
Fort St. George,  
Chennai - 600 009.

2.The Tamil Nadu Public Health Department,  
State Executive Committee,  
State Disaster Management Authority,  
Fort St. George,  
Chennai - 600 009.

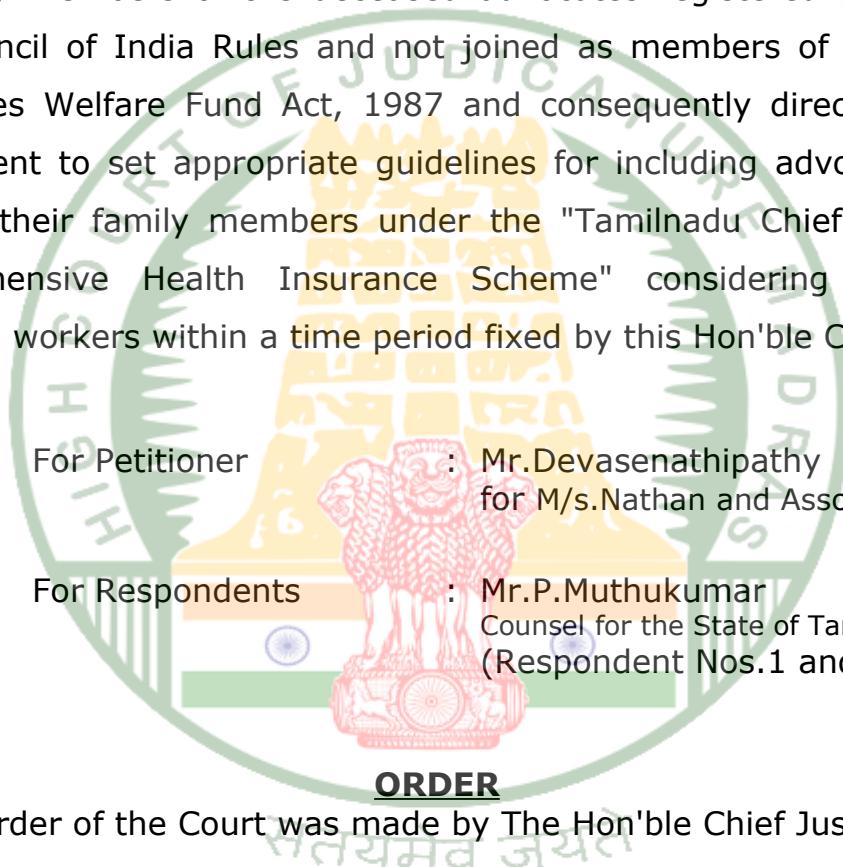
3.The Tamil Nadu Advocates Welfare Trust Committee,  
rep. by its Chairman,  
Madras High Court Complex,  
Chennai - 600 104.

4.The Bar Council of Tamil Nadu and Puducherry,  
rep. by its Chairman,  
Madras High Court Complex,  
Chennai - 600 104.

.. Respondents

**WWW.LIVELAW.IN**  
**WWW.LIVELAW.IN**

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent to consider the representation provided by the fourth respondent on 22.05.2021 and to award adequate compensation to the dependents or family members of the deceased advocates registered as per the Bar Council of India Rules and not joined as members of Tamilnadu Advocates Welfare Fund Act, 1987 and consequently direct the first respondent to set appropriate guidelines for including advocates and provide their family members under the "Tamilnadu Chief Minister's Comprehensive Health Insurance Scheme" considering them as Frontline workers within a time period fixed by this Hon'ble Court.



For Petitioner

: Mr. Devasenathipathy  
for M/s. Nathan and Associates

For Respondents

: Mr. P. Muthukumar  
Counsel for the State of Tamil Nadu  
(Respondent Nos.1 and 2)

**ORDER**

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner seeks compensation for dependents or heirs of deceased advocates, particularly those who were victims of Covid-19.

2. It is a matter of policy for the State to decide whether to give compensation to a class of persons and to what extent. There is no doubt divers classes of people will be seeking compensation and it is a matter within the exclusive domain of the State. The Court cannot pick and choose advocates for preferential treatment because most functionaries in this field are advocates.

3. W.P.No.12453 of 2021 is disposed of by leaving the petitioner and others of his kind free to approach the State and for the State to take a considered decision in such regard in accordance with law.

There will be no order as to costs.

(S.B., CJ.)

(S.K.R., J.)  
08.06.2021

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To

- 1.The Chief Secretary,  
State of Tamil Nadu,  
Health, Medical Education and Family Welfare,  
Fort St. George,  
Chennai - 600 009.
- 2.The Tamil Nadu Public Health Department,  
State Executive Committee,  
State Disaster Management Authority,  
Fort St. George,  
Chennai - 600 009.
- 3.The Chairman,  
Tamil Nadu Advocates Welfare Trust Committee,  
Madras High Court Complex,  
Chennai - 600 104.
- 4.The Chairman,  
Bar Council of Tamil Nadu and Puducherry,  
Madras High Court Complex,  
Chennai - 600 104.

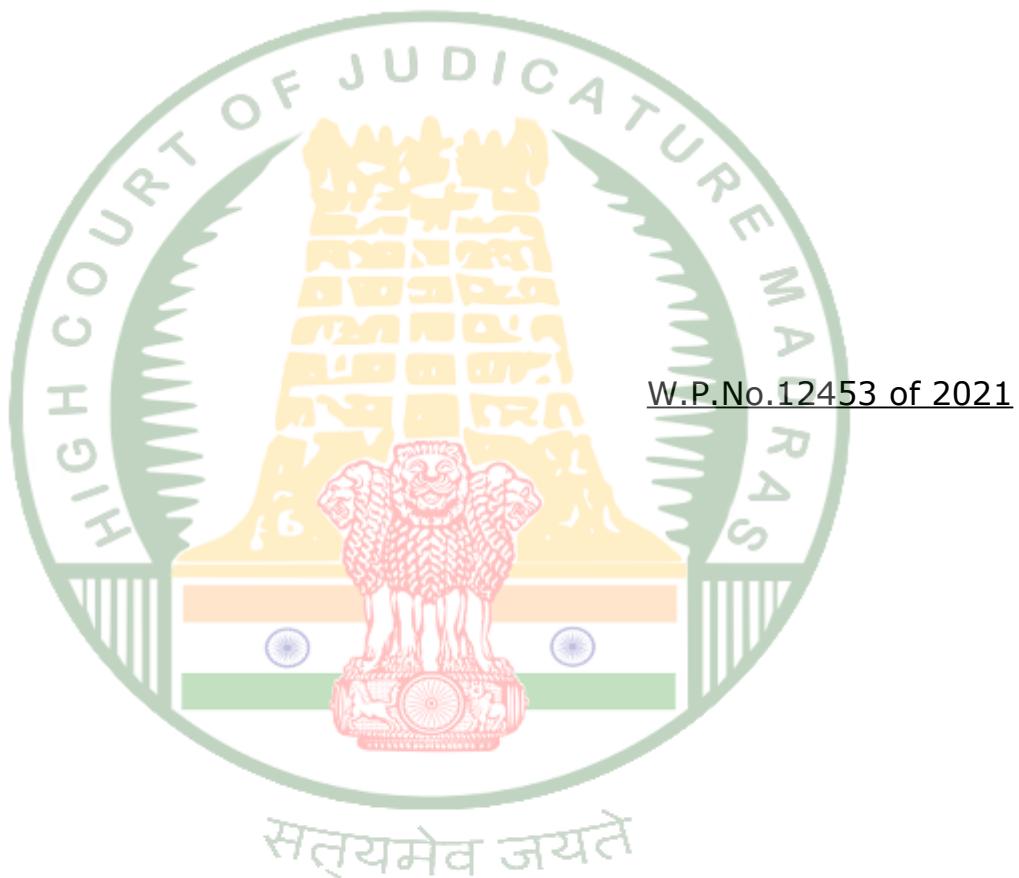


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W.P.No.12453 of 2021

**WWW.LIVELAW.IN**  
THE HON'BLE CHIEF JUSTICE  
AND  
SENTHILKUMAR RAMAMOORTHY, J.

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