

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.7443 of 2020

India Awake for Transparency,
Rep. by its Director,
Rajender Kumar,
Unit 1, Mezzanine Floor,
24 Desikar Street,
Mylapore, Chennai 600 004.

... Petitioner

Vs

1.The Secretary,
Department of Health and Family Welfare,
Government of Tamil Nadu,
Chennai.

2.The Secretary,
Ministry of Health and Family Welfare,
Union of India, New Delhi.

... Respondents

PRAYER : Writ petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to ensure 100% testing of all persons who were exempt from the lock down and were performing services involving public contact and to complete the same before the completion of the lock down and for this purpose build database of all such lock down exempt persons and further make plan for ensuring 100% testing of the same and direct the second respondent to provide all necessary assistance to the first respondent in this regard.

For Petitioner :Mr.Subramani for M/s.T.Sugirtha

For Respondents :Mr.P.H.Arvind Pandian
Additional Advocate General

Asst. by Mr.A.N.Thambidurai
Special Government Pleader and
Mr.C.V.Sailendhran
Government Advocate for R1

Mr.V.Chandrasekaran
Senior Panel Counsel for R2 and R3

ORDER

(Order of the Court was delivered by N.KIRUBAKARAN, J)

**"Pandemic has no religion;
It knows no region;
It won't come on its own;
Unless there is an invitation;
Crowding can lead to its aggravation;
So maintain sanitation and reduce social interaction;
That will alone prevent transmission."**

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The present writ petition has been filed seeking a writ of mandamus directing the first respondent to ensure 100% testing of all persons who were exempt from the lock down and were performing services involving public contact and to complete the same before the completion of the lock down and

for this purpose build database of all such lock down exempt persons and further make plan for ensuring 100% testing of the same and direct the second respondent to provide all necessary assistance to the first respondent in this regard

2.Heard Mr.Subramani for M/s.T.Sugirtha, learned counsel for the petitioner and Mr.P.H.Aravind Pandian, learned Additional Advocate General on behalf of the State.

3.As it is a public interest litigation, this Court would like to deal with issues arising out of COVID virus comprehensively and therefore, this Court *suo motu* impleads "*Union of India represented by the Secretary to Government, Ministry of Home Affairs, New Delhi*" as third respondent.

4.Mr.V.Chandrasekaran, learned Senior Panel Counsel takes notice on behalf of the second respondent as well as the newly impleaded respondent.

5.Since out of 5194 people infected by Corona virus, as on date Tamil Nadu stands second with 690 patients, while Maharashtra stands first with 1018 patients. However with regard to the release of Disaster Risk Management Fund, the Home Ministry has released only 510 crores which in the opinion of

this Court is not adequate, whereas, the States which have got lesser number of virus infected patients have been allotted more fund. This Court is not against the allotment of more fund to the other States, but concerned about Tamil Nadu getting lesser amount of fund. Therefore, the Central Government may positively consider increasing the amount.

6. Even though Tamil Nadu has got 690 COVID positive patients, it is stated that their family members and friends have not come forward to subject themselves for test as well as for quarantining. The pandemic spreads like a wild fire. It would not only affect the individual but also affect their family members, relatives, friends and even the whole of village or town. Further, many persons have come from foreign countries since the end of February and they have not voluntarily subjected themselves for testing and quarantining. Therefore, this Court appeals to the persons who have travelled abroad in the recent times, their family members and friends to subject themselves voluntarily for testing and quarantining, as the same would enable the pandemic to be controlled in the interest of the public.

7. Furthermore, lakhs and lakhs of people are affected because of the lock down. The daily wagers, migrant workers and platform dwellers are without food and shelter. Though the Government is taking all efforts to provide food, it

is reported in the media that in some places like Tirupur and Coimbatore, the migrant workers have staged a protest as they have not been given food and shelter. Therefore, the authorities are directed to verify the persons who are without food and shelter and provide them by having community kitchens.

8. Since the pandemic spreads due to physical contact or due to proximity and also by droplets, it must be everyone's endeavor to keep social distancing. In spite of the appeals made by the authorities, the public is not listening to them and they are living very closely and there is every chance to spread the dangerous pandemic. It is in their own interest, the public are requested to keep social distancing while moving out for purchasing essential commodities or for visiting hospitals etc., If we are not disciplined even at this hour of crisis, no one can save us. The issue is not concerned with an individual but it is concerned with the entire society. It is stated that the Pandemic is only in second stage and if it reaches to community spreading, there is likelihood of loss of lives in lakhs, as we are 134 crore population country. It is a crucial stage and we should be vigilant. Only by staying in our house, we can cooperate with Doctors, Health workers and Policemen who are working round the clock for us. Otherwise, we will be doing injustice. Therefore, this Court appeals to the people to avoid going out or congregating and to maintain social distancing.

9.Mr.P.H.Arvind Pandian, learned Additional Advocate General undertakes to file status report by next week. Meanwhile, it is open to the Police Authorities to arrest as well as seize the two wheelers or the four wheelers which are used in violation of Section 144 order, if anybody comes out without reason beyond 1.00 P.M. The Police Authorities are directed to enquire/inform the employers of the violators (Government or Private employee) about the violation made by them.

10. Call the matter after two weeks.

(NKKJ) (RHJ)
08.04.2020

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Note: Registry is directed to carry out the necessary amendment in the cause title.

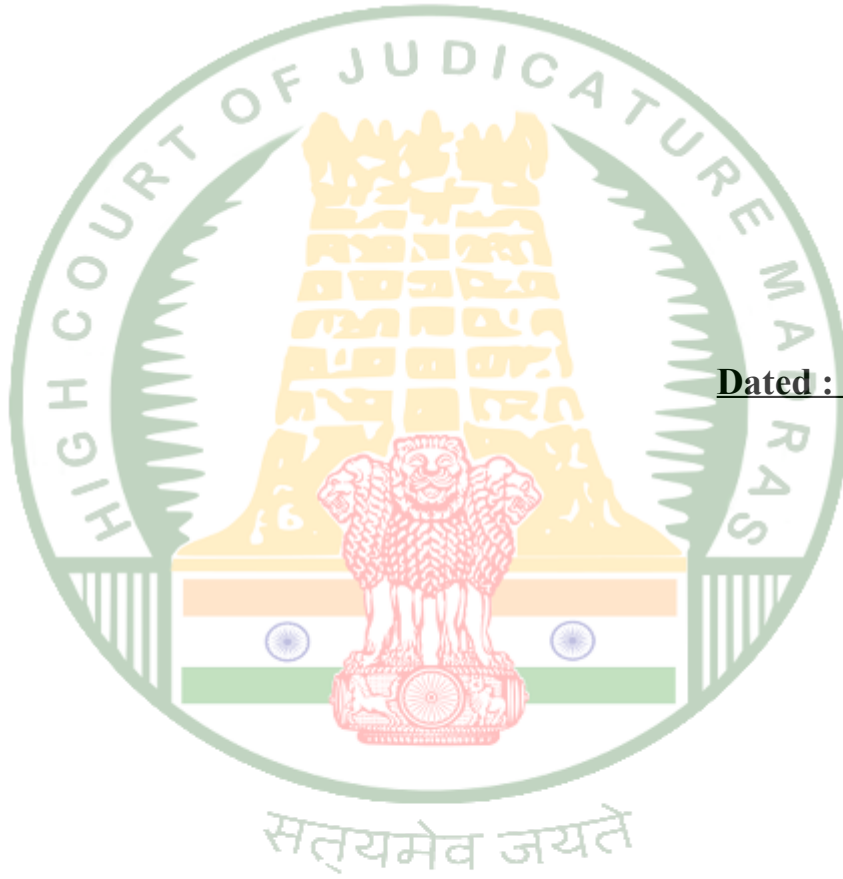
N.KIRUBAKARAN, J.
and
R.HEMALATHA, J.

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