

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2020

CORAM

THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE Mr.JUSTICE M.NIRMAL KUMAR

W.P.No.7494 of 2020

and

Connected Writ Miscellaneous Petitions

K.Narayanan

... Petitioner

Versus

The Chief Secretary
The Government of Tamil Nadu
Secretariat,
Fort St. George, Chennai-9.

... Respondent

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the Respondent to reveal the identity of the COVID-19 affected persons in Government website, which enable others to Quarantine themselves, who have contact or believed to have contact with the COVID-19 affected persons to prevent the speared at large and further direct to monitor all the COVID -19 affected persons for 3 months or longer from all kind of social activities.

For Petitioner : Mr.S.Lakshmanasamy
For Respondent : Mr.V.Jayaprakash Narayanan
Government Pleader

ORDER

This Writ Petition, styled as a Public Interest Litigation, is filed by the resident of PonnambalamSalai, K.K.Nagar, Chennai-78 and according to the petitioner, the COVID-19 infection is the worst form of contiguous infection and drawn the attention of this Court to Paragraph Nos.7 and 8 of the affidavit filed in support of the Writ Petition and made a submission that on account of the concealment of identity of persons, who developed infection, on account of COVID-19, there may be a possibility the said person may pass on the infection, to other persons and if they lack immune, it would definitely spread and there is every likelihood that they would spread the virus, to other persons. Therefore the petitioner prays for appropriate direction, directing the Government to publish the name of the persons, who are infected with COVID-19 in the website so that it may act as a warning for caution to the persons to keep away from him/them and hence prays for appropriate direction.

2. This Court has considered the rival submissions and perused the materials placed.

3. The Ministry of Health and Family Welfare, Government of India, had issued a detailed instructions, as to COVID-19 virus, the table of contents are numbering 92 in number. It is relevant to extract the source No.1, which speaks about the Social Stigma Associated with COVID-19:-

“Social Stigma Associated with COVID-19

Public health emergencies during outbreak of communicable diseases may cause fear and anxiety leading to prejudices against people and communities, social isolation and stigma. Such behavior may culminate into increased hostility, chaos and unnecessary social disruptions.

Cases have been reported of people affected with COVID-19 as well as healthcare workers, sanitary workers and police, who are in the frontline for management of the outbreak, facing discrimination on account of heightened fear and misinformation about infection.

There is an urgent need to counter such prejudices and to rise as a community that is empowered with health literacy and responds appropriately in the face of this adversity. Accordingly, all responsible citizens are advised to understand and follow the guidelines.”

4. This Court can take judicial notice of the fact on account of the revealing of the identity of the person/persons, there would be definitely a social stigma and aspersions on account of the same and yesterday when a body of a Doctor, who died on account of COVID-19 complication, sought to be buried there was a law and order and public order problem, which resulted in attacking of ambulance driver, paramedical personnels as well as public servants and the mortal remains of the dead persons were compelled to be buried somewhere else. The people are slowly becoming aware of the effect of COVID-19 virus and if the prayer sought for by the petitioner is granted, it would further lead to law and order and public order problem, apart from the social stigma, some times may lead to excommunication also.

5. In the considered opinion of the Court, the Writ Petition, styled as Public Interest Litigation lacks merit and substances and deserves dismissal and accordingly, dismissed.

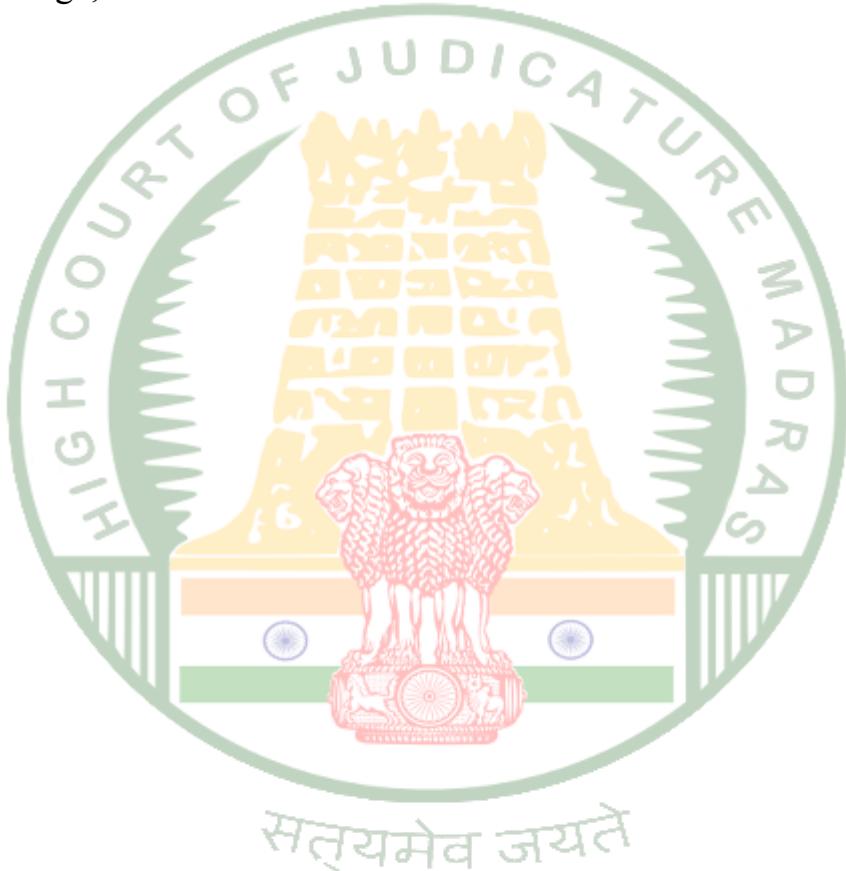
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(M.S.N.,J) (M.N.K.,J)
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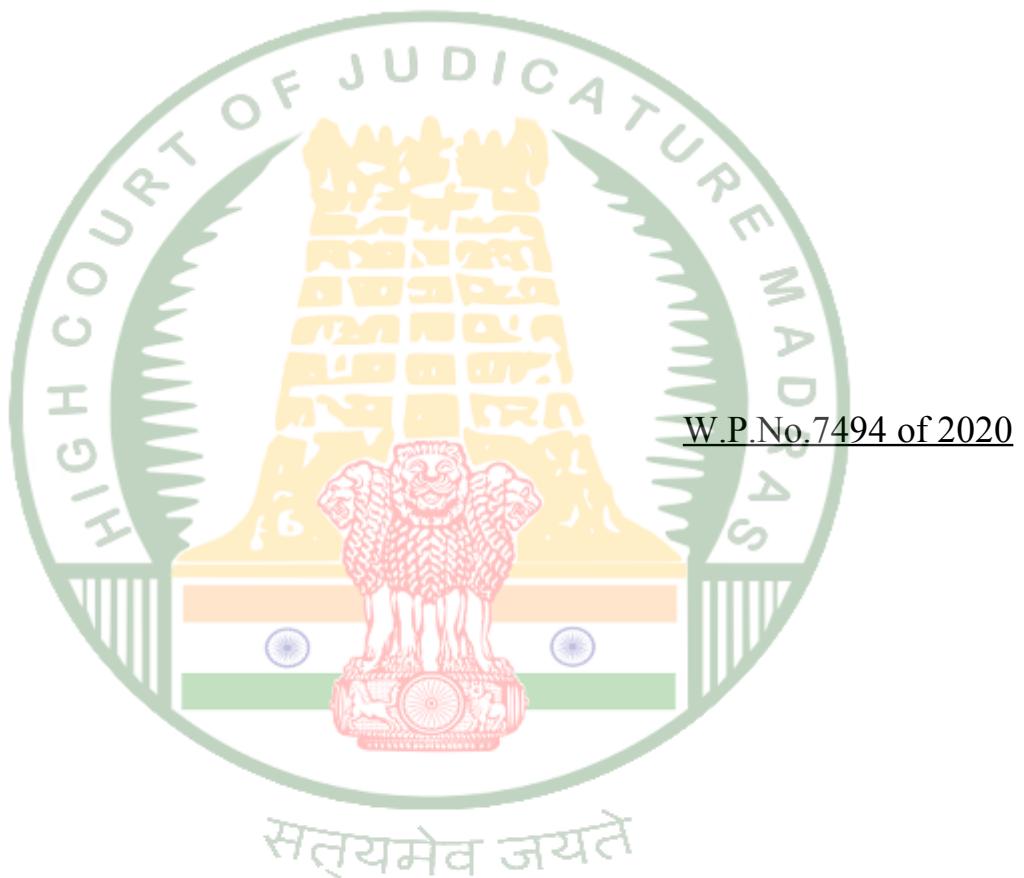
To

The Chief Secretary
The Government of Tamil Nadu
Secretariat,
Fort St. George, Chennai-9.



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M.SATHYANARAYANAN, J
and
M.NIRMAL KUMAR, J
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