

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.04.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

WP.No.7531 of 2020

K.Bharathi

... Petitioner

Versus

1.The State rep.by its
Principal Secretary,
Tamil Nadu Secretariat,
Fort St George, Chennai 600 009.

2.The State rep.by its
Secretary, Food & Civil Supplies Department,
Tamil Nadu Secretariat,
Fort St George, Chennai 600 009.

3.The State rep.by its
Secretary, Health Department,
Tamil Nadu Secretariat,
Fort St George, Chennai 600 009.

... Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to provide a monetary relief of Rs.15,000/- each to ration card holders in Tamil Nadu due to the adverse impact of Covid-19 and the consequent National lock down.

For Petitioner : Mr.Ramesh Umapathy

For Respondents : Mr.V.Jayaprakash Narayan, GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J..]

(1)By consent, the writ petition is taken up for final disposal.

Mr.V.Jayaprakash Narayan, learned Government Pleader accepts notice on behalf of the respondents.

(2)The writ petition, styled as a Public Interest Litigation, is filed by the petitioner who is an Advocate [Enrollment No.1354/2003], practicing in the High Court of Madras for over 16 years and also claims to be the Secretary of Democratic Advocates Association.

(3)It is averred by the petitioner that the said Association is working for the cause of social development including upliftment of downtrodden people, students, youth, women folks besides working for the advancement of the cause of legal fraternity.

(4)The learned counsel for the petitioner would submit that on account of the onset of pandemic Covid-19 Virus, the State Government had announced a monetary compensation / relief of Rs.1,000/- to the Ration Card Holders [except White Card Holders] and in the light of the fact that the lock down has been extended for a further period till 03.05.2020, the monetary relief of Rs.1,000/- is wholly inadequate and further points out that apart from the payment of the amount to the Ration Card Holders, no package or relief has been announced for downtrodden people including casual workers, daily wage workers, contract and unorganized Sectors and therefore, prays for appropriate orders, seeking direction to the State Government to provide monetary benefit of Rs.15,000/- to the Ration Card Holders in the State of Tamil Nadu without any delay, considering their untold sufferings and struggle on account of the said facts and

circumstances.

(5) It is also pointed out that a representation dated 13.04.2020 was also sent through evidence-Mail to the respondents and despite receipt and acknowledgment, no response is forthcoming and therefore, the petitioner is constrained to approach this Court by filing this writ petition styled as a Public Interest Litigation.

(6) This Court has considered the arguments advanced by the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents and also the materials placed before it.

(7) This Court can take judicial notice of the fact that on account of the onset and spread of pandemic Covid-19 virus, almost all Countries are facing health issues and also problems on account of the economic slow down. The provision of Rs.15,000/- to each of the Ration Card Holders as sought for by the petitioner, also involves a Fiscal Policy decision and also spending all precious amount available with the Government from the Coffers. It also involves a Policy decision.

(8)The Revenue and Disaster Management Department of the Government of Tamil Nadu, in G.O.Ms.No.203 dated 23.04.2020, after taking note of the guidelines suggested by the Expert Committee for phased exit and also taken into account the consolidated instructions issued by the Ministry of Home Affairs of the Government of India, as enumerated certain works/activities to be carried out in a phased manner and it is relevant to extract the same:-

"1.MNREGA works, especially those related to irrigation and water conservation in rural areas excluding containment zones and Red Blocks listed in the annexure I [as updated from time to time by the Health and Family Department] subject to the condition that the workers should be provided with masks and not more than 1/3rd of the required number of labourers should be mobilized and strict social distancing guidelines should be followed.

2.Construction projects in rural areas including irrigation, de-silting of tanks and channels, ongoing works with regard to dam safety, buildings [including the construction and maintenance of Medical Colleges and hospitals], roads and bridges, water supply and sanitation, brick kilns, hardware material supply on call basis, electricity related works [generation, transmission and distribution].

3.State/Central Government Offices for the maintenance of essential services with attendance not exceeding 33 percents of the total staff.

Before allowing these select additional activities the district administration shall ensure that all preparatory arrangements with regard to the standard operating procedures [SOPs] for social distancing in offices, work places, factories and establishments as also other sectoral requirements are in place."

(9)The administration is alive to the situation and this Court always expects the administration to take an appropriate call at the relevant points of time to address various problems and in the light of the limitation involved as to the exercise of jurisdiction by this Court under Article 226 of the Constitution, especially with regard to the Fiscal Policy matter, it cannot issue any positive direction in this regard.

(10)In the result, the writ petition stands dismissed subject to the above observations.

सत्यमेव जयते

[M.S.N.,J]

[M.N.K., J]

24.04.2020

AP

Internet : Yes

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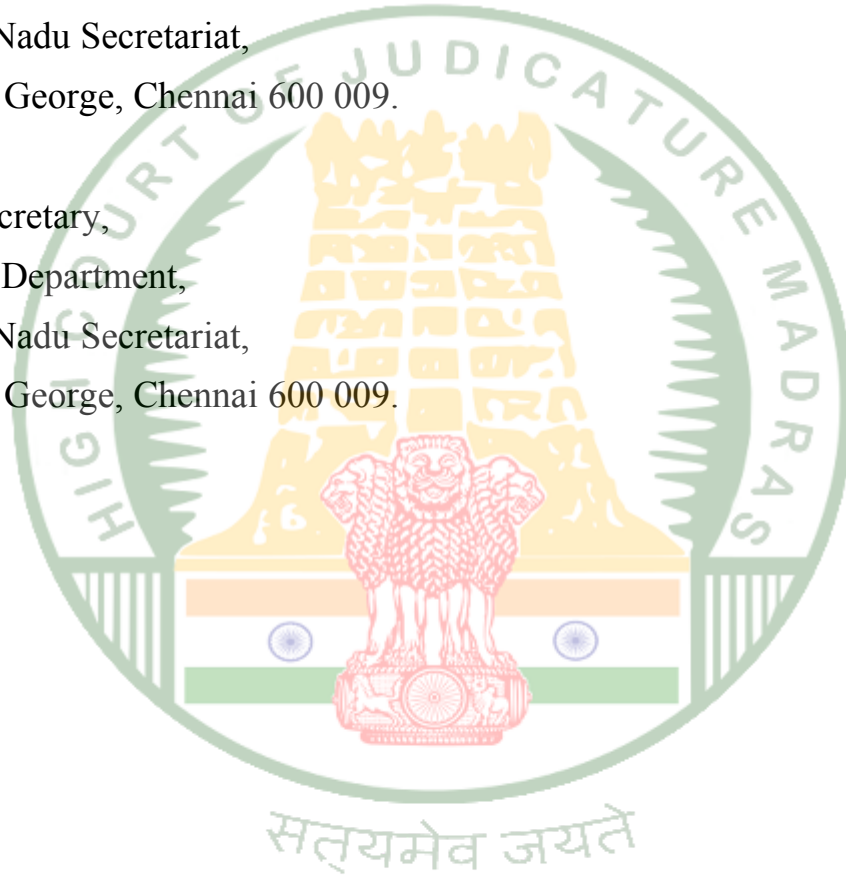
To

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2.The Secretary,
Food & Civil Supplies Department,
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Fort St George, Chennai 600 009.

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Health Department,
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Fort St George, Chennai 600 009.



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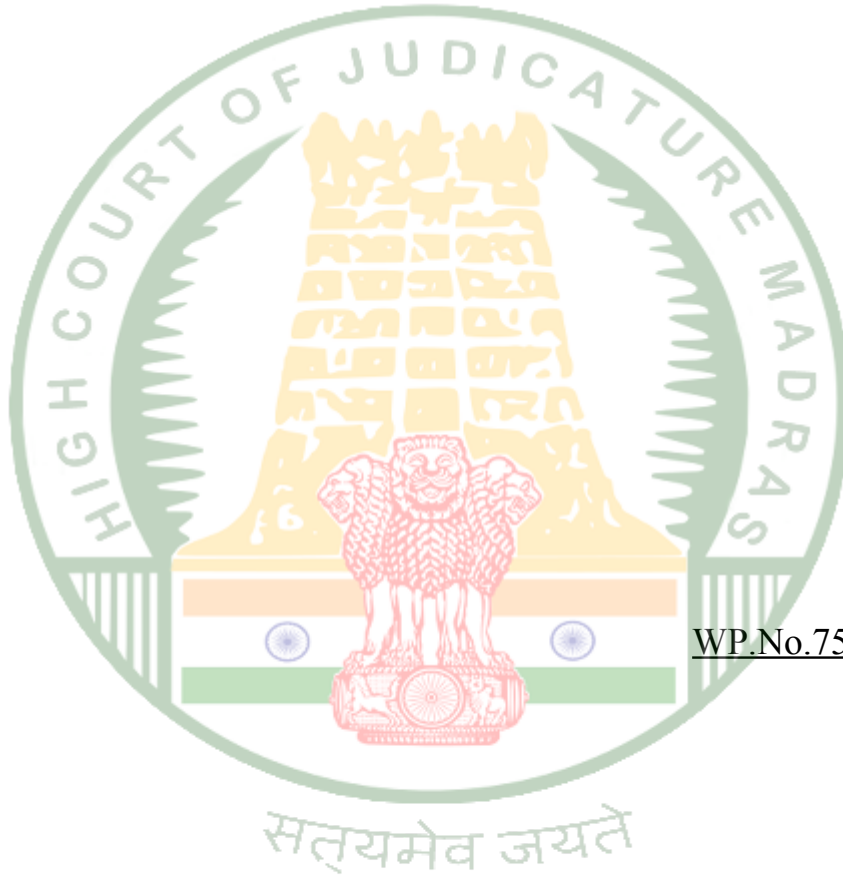
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