

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12582 of 2021

HA.Shrirajalakshmi

.. Petitioner

Vs.

1. The Chief Secretary to Government
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai - 600 009.
2. The Additional Chief Secretary to Government
Municipal Administration and Water Supply Department
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai - 600 009.
3. The Additional Chief Secretary to Government
Rural Development and Panchayat Raj Department
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai - 600 009.
4. The Principal Secretary to Government
Health and Family Welfare Department
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai - 600 009.

5. The Commissioner **WWW.LIVELAW.IN**
Greater Chennai Corporation
Ripon Building
Chennai - 600 003.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the respondents to frame and implement an effective policy to ensure that cause of death is properly and correctly mentioned in the relevant certificate/official document for all cases of Covid-19 related deaths in accordance with law, ICMR guidelines and other relevant parameters, including international standards, in order to enable beneficiaries of government schemes to avail the same without any hindrance.

For Petitioner : Mr.T.Mohan
for M/s.Manoharan Sundaram

For Respondents : Mr.R.Shunmugasundaram
Advocate-General
assisted by
Mr.P.Muthukumar
Counsel for Government
for respondents 1 to 4

: Mrs.Karthika Ashok
for 5th respondent

ORDER

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

Learned Advocate-General appearing for the State takes notice. Mrs.Karthika Ashok, learned counsel, takes notice on behalf

of the fifth respondent.

2. This petition raises an important issue. All over the country, there are grievances that all the deaths that have been caused by the pandemic may not have been appropriately recorded.

3. As far as this State is concerned, there are reports in some quarters that unless a positive test report was issued in respect of the patient, the subsequent death would not be recorded as a Covid death. There are other issues pertaining to not attributing the death to Covid-19 in the event the patient suffered from other ailments.

4. Apart from the fact that the accurate reporting or recording of deaths would help in studies being undertaken to deal with a pandemic of this nature in future, the immediate concern in some cases is that the relief that the family of a person who died due to Covid-19 is otherwise entitled to may not be available unless the death certificate attributes the cause of death to Covid-19.

5. Without attempting to go into the specialised domain of

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doctors and persons trained in such regard, it is elementary that the major ailment suffered by a person may result ultimately in the heart being attacked and the death due to such attack. However, the cause of the death in such a case may not be appropriately attributed to just a heart-attack, but the underlying reason for the heart being attacked ought to be regarded as the real cause. So has it to be done in case of deaths triggered off by Covid-19, even if the person suffered from co-morbidities.

6. It is necessary that an appropriate study be conducted by a specialised team, if necessary. It would also be fit and proper to require death certificates already issued to be revised, if necessary; if only not to deny the relief due to the family of the deceased in terms of the several schemes announced by the Central and the State Governments.

7. It is hoped that a preliminary response of the State would be available when the matter appears next a fortnight hence, before the issue is addressed in a more detailed manner.

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8. A copy of the petition should also be reached to the office of learned Additional Solicitor-General so that the Union's response may also be obtained on the matter.

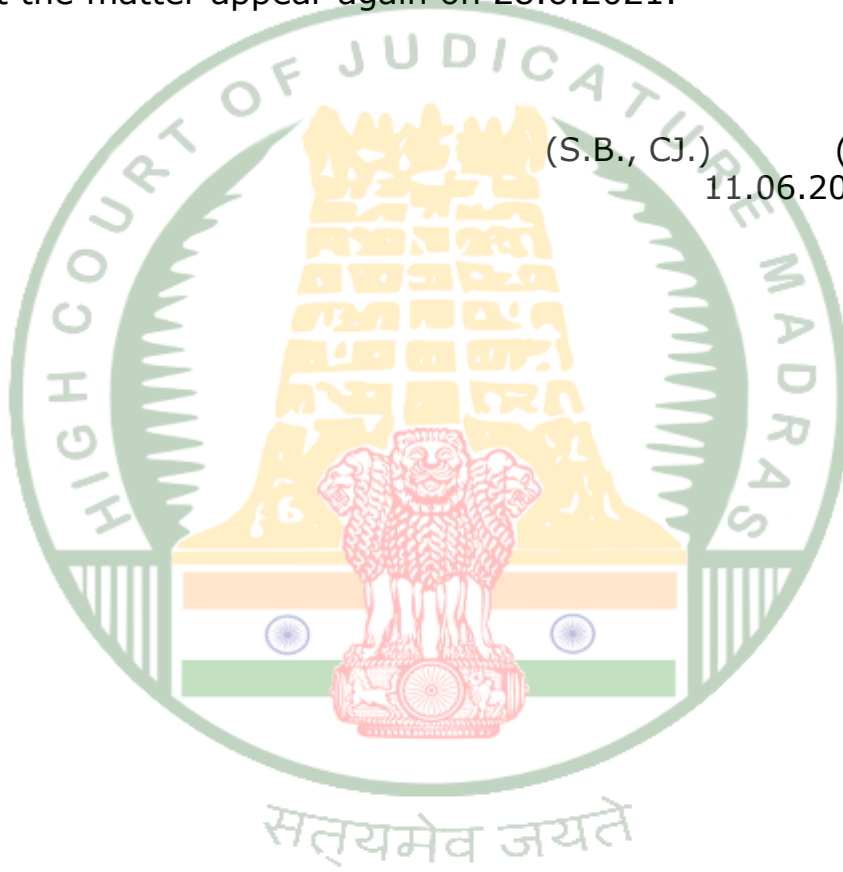
Let the matter appear again on 28.6.2021.

(S.B., CJ.)

(S.K.R., J.)

11.06.2021

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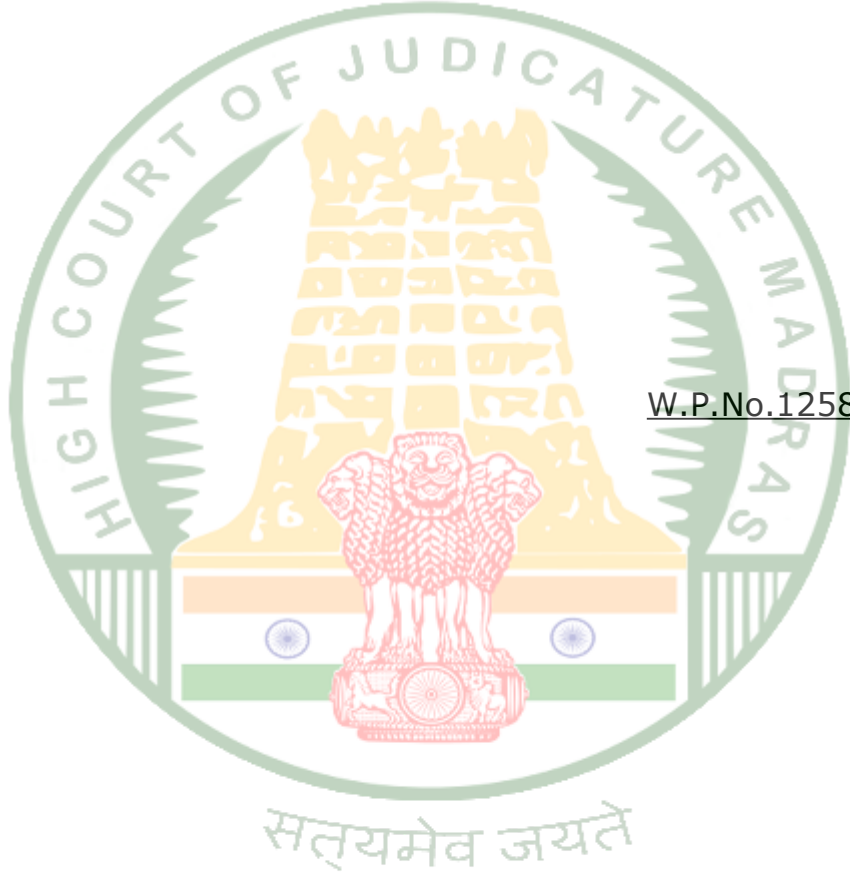


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AND
SENTHILKUMAR RAMAMOORTHY, J.

(sasi)



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