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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.Nos.10486, 10812, 11644 and 11851 of 2021,  
W.P.No.12184 of 2020  
and W.P.(MD) No.9485 of 2021

W.P.No.10486 of 2021

Suo-Motu writ petition

Vs

- 1 Union Government of India  
Rep. by its Secretary Ministry of Health  
and Family Welfare Department of Health and  
Family Welfare Nirman Bhavan  
New Delhi 110 011.
- 2 State of Tamil Nadu  
Rep. by its Chief Secretary Fort St. George  
Chennai 600 009.
- 3 State of Tamil Nadu  
Rep. by its Principal Secretary Health and  
Family Welfare Department Fort St. George  
Chennai 600009.
- 4 The Commissioner  
Disaster Management and Municipal  
Administration Department Government of  
Tamil Nadu Chennai 600 005.

5 The Director  
Drugs Controller Department DMS Campus  
Chennai 600018. ... Respondents

and batch cases.

COMMON ORDER

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

The figures furnished by the State of Tamil Nadu and the Union Territory of Puducherry in the independent reports indicate a falling rate of positive cases in both places, particularly in the city of Chennai. At the same time, the number of persons successfully treated has increased, though the number of deaths has gone up. Generally, there is a time lag between positivity going down and the rate of deaths plateauing.

2. By and large, there does not appear to be dearth of beds or facilities. The supply of oxygen to the State has been increased by the Centre to 650 MT per day. In addition, the State Government has used its own resources to augment the supply and to arrange for oxygen generators, concentrators and the like. Nursing students have been engaged, as the State's report says, to monitor

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the blood oxygen level and discontinue the oxygen feed if the appropriate levels are maintained by the patients.

3. The Centre has filed affidavits indicating the position as to vaccines and their availability, and the availability of Liposomal Amphotericin-B needed to treat mucormycosis, which the State has declared as a notified disease. The allocation of vaccines over the next 15 days to the State and the Union Territory has been indicated. The allocation of the essential drug to treat mucormycosis has also been shown by way of a table in an affidavit filed by the Department of Pharmaceuticals in such regard.

4. Puducherry's concern appears to be in the dip of the oxygen available on a daily basis. A particular manufacturing facility that was regularly producing more than 80 MT of oxygen daily has reduced production to 72 MT daily, and Puducherry's allocation has been reduced to 28 MT per day. It is hoped that the Centre looks into a larger allocation of oxygen supply to Puducherry, since Puducherry perceives its requirement to be 65 MT per day.

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5. The State's report filed by the Health Secretary deals with the several aspects, including infrastructure and facilities, and refers to measures being taken to deal with the charges demanded by private hospitals while treating Covid patients. Including persons belonging to the economically weaker sections, the group insurance scheme of the Government covers about 1.58 crore families (about 4.26 crore persons).

6. Suggestions have been made by several of the intervenors. One of the suggestions pertains to the covering up of the dead bodies upon death due to Covid. It is submitted that at least the face should be covered by some transparent material so that the relatives may have a glimpse of the face for the last time or even identify the person. There are other suggestions for passes to be made available to NGOs who are providing free food to persons who are quarantined and to others who do not have ready access to food.

7. An intervenor complains of the strict lockdown in the State

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being undone by the complete lack of lockdown in Puducherry, particularly in the border areas. It may do well for the government in Puducherry to ensure that the other side of the road which falls in Puducherry maintains some kind of discipline or lockdown so as not to render ineffective the lockdown imposed on the other side of the street which is Tamil Nadu. This will be limited to short stretches of roads and the government in Puducherry may consider appropriate measures in such regard.

8. Since the second surge appears to be subsiding and facilities and infrastructure may now be available, the other matters need not be looked into at the moment. But there are citizens facing unemployment and lack of income avenues or loss of savings upon much of it going in treatment. These aspects have slowly to be considered by the State.

These matters would next be taken up on 31.5.2021 at 2.15 pm.

(S.B., CJ.) (S.K.R., J.)  
27.05.2021

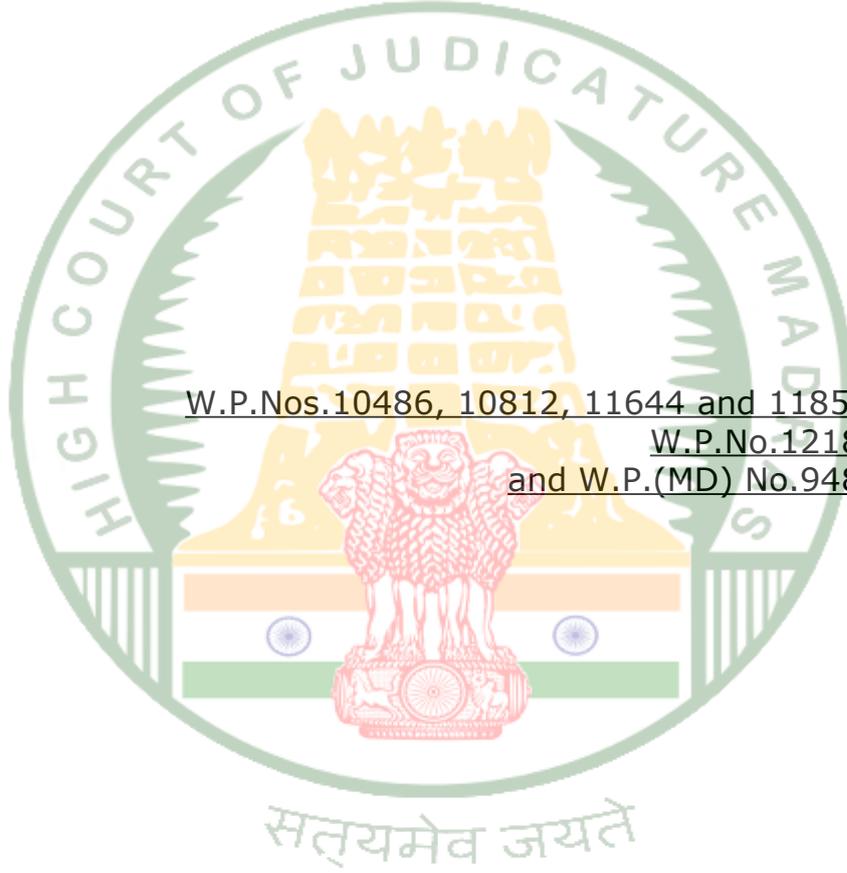
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W.P.No.10486 of 2021 etc.

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THE HON'BLE CHIEF JUSTICE  
AND  
SENTHILKUMAR RAMAMOORTHY, J.

(sasi)



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