

W.P.Nos.10486, 11644, 10821, 11851 of 2021,
12184 of 2020 & W.P.(MD) No.9485 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.Nos.10486, 11644, 10821, 11851 of 2021,

W.P.No.12184 of 2020 &

W.P.(MD) No.9485 of 2021

W.P.No.10486 of 2021

Suo-Motu writ petition

.. Petitioner

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 600 009.

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

Prayer in W.P.No.10486 of 2021 - Suo motu writ petition filed for a Writ of Mandamus directing the respondents to monitor the demand and scarcity for the supply of Remdesivir medicines, adequate life saving oxygen cylinders and ventilators for the State of Tamil Nadu and take stringent action against the private hospitals and pharmacies for selling the Remdesivir at higher costs and submit a report before this Court.

WP No.10486 of 2021

For Respondents : Mr.R.Sankaranarayanan
Additional Solicitor-General
Assisted by
Mr.K.Srinivasamurthy, SPCCG
for respondent-1
Mr.R.Shunmughasundaram
Advocate-General
Assisted by
Mr.P.Muthukumar
Counsel for State
for respondents 2 to 5

W.P.Nos.10486, 11644, 10821, 11851 of 2021,
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Intervenors : Mr.S.Wilson, S.C.
Mr.P.S.Raman, S.C.
Mr.M.S.Krishnan, S.C.
Mr.NGR Prasad
Ms.Hemalatha, SSC(Customs & GST)

Mr.S.Shanmugaraja
Mr.Madhan Babu
Mr.Gautam S.Raman
Mr.Ajay Francis Inigo Loyola
Mr.V.Vasantha Kumar
Mr.Naveen Kumar Murthi
Mr.S.Kumar
Ms.Vaishnavi Jayakumar
Party-in-Person

WP No.11644 of 2021
For Petitioner : Mr.C.Kanagaraju

For Respondents : Mr.R.Sankaranarayanan
Additional Solicitor-General
Assisted by
Mr.Rajesh Vivekanandhan
Assistant Solicitor-General
for respondents 1 to 4

Mr.R.Shunmughasundaram
Advocate-General
Assisted by
Mr.P.Muthukumar
Counsel for State
for respondent 5

WP No.10812 of 2021
For Petitioner : Mr.L.Sriram
Party-in-Person

W.P.Nos.10486, 11644, 10821, 11851 of 2021,
12184 of 2020 & W.P.(MD) No.9485 of 2021

For Respondents : Mr.R.Shunmughasundaram
Advocate-General
Assisted by
Mr.P.Muthukumar
Counsel for State

WP No.11851 of 2021

For Petitioner : Mr.R.Krishnamurthy

For Respondents : Mr.R.Shunmughasundaram
Advocate-General
Assisted by
Mr.P.Muthukumar
Counsel for State
for respondents 1 to 5
Mr.R.Gopinath, S.C.
For respondent-6

WP No.12184 of 2021

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.R.Sankaranarayanan
Additional Solicitor-General
Assisted by
Mr.S.Pajaniradja, SCGSC
for respondents 1 and 2

Mrs.N.Mala
Government Pleader (Puducherry)
for respondents 3 to 8

WP (MD) No.9485 of
2021

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.R.Sankaranarayanan
Additional Solicitor-General
Assisted by

W.P.Nos.10486, 11644, 10821, 11851 of 2021,
12184 of 2020 & W.P.(MD) No.9485 of 2021

Mr.V.Chandrasekar, SPCCG
Assistant Solicitor-General
for respondents 1 and 2

Mr.K.Prabhakar
for respondents 3 to 6 and 8

Mr.R.Shunmugasundaram
Advocate-General
Assisted by
Mr.P.Muthukumar
Counsel for State
for respondents 7 and 9

COMMON ORDER

(Made by the Hon'ble Chief Justice)

These matters pertain to the second surge of the pandemic and the emergency situation that it gave rise to.

2. From all counts, the second surge appears to have subsided, though there is an apprehension of even a third surge. The State had gone into a complete lockdown which helped arrest the number of cases and the lockdown has been slowly relaxed in several districts, though stricter measures have been adopted in at least 13 districts. The formal lockdown continues till June 28, 2021 as per the latest Government notification in such regard.

3. There is no scientific basis, as of now, to expect or apprehend a third surge and even less scientific basis to fear that the third wave may attack children more. However, there were some reports in such regard and it is best that the facilities developed on emergency basis to deal with the second surge are not dismantled immediately, so that in the event there is a third surge within the next four to six months, the same may be tackled with adequate facilities at hand. Supplies of oxygen had been augmented all round and the ability to produce oxygen should be retained in excess of what is the usual norm and close to what may have been the peak demand during the second surge. Similarly, the emergency beds arranged should not be undone immediately.

4. As far as vaccines are concerned, the Union Government has undertaken a massive drive from June 21, 2021 and a record number of people were vaccinated on the first day itself. It is encouraging that vaccines have been supplied and the vaccination drives have been resumed. It is hoped that the supply of vaccines is increased, so that the vaccination of the entire eligible population is completed earlier than previously envisaged.

5. It is also evident that awareness drives have been undertaken, both in the print and the electronic media, to ensure that the superstitions and the grandmother's tales pertaining to the side effects of vaccine do not deter people from coming forward and being inoculated. There also appears to be a drive in the State to inoculate the tribals and tea garden workers, along with other frontline workers. Vaccination drives had been undertaken in the High Court complex in the city and in some of the District Court complexes. Because of the fewer number of visitors, the vaccination camp started at the High Court has been temporarily closed from today, though vaccination drives will be carried out at some of the District Court complexes where vaccination has not taken place to a large extent till date.

6. It was the endeavor of the Court to monitor several aspects during the peak of the second surge and the suo motu proceedings appear to have at least provided a platform for the Central and State Governments to come together and ensure supplies of drugs, oxygen and other essentials to the State and the Union Territory. It was never the intention of the Court to take over administration, the exercise was

only meant to be supervisory at a time when the pandemic raged at an alarming level. Since the matters appear now to be under control, these petitions have to be brought to an end with the hope that appropriate measures will be taken by both the Union and the State Government and the Government of the Union Territory to deal with any further surge by being more prepared than the country was when the second surge descended upon us.

7. There are certain other areas which need to be looked into, including students and others requiring to travel abroad and the accelerated need to provide vaccination, possibly the second dose, to such persons. The State and the Union Territory should look into such matter and it is not necessary for the Court to monitor or interfere in the day-to-day affairs in such regard any further.

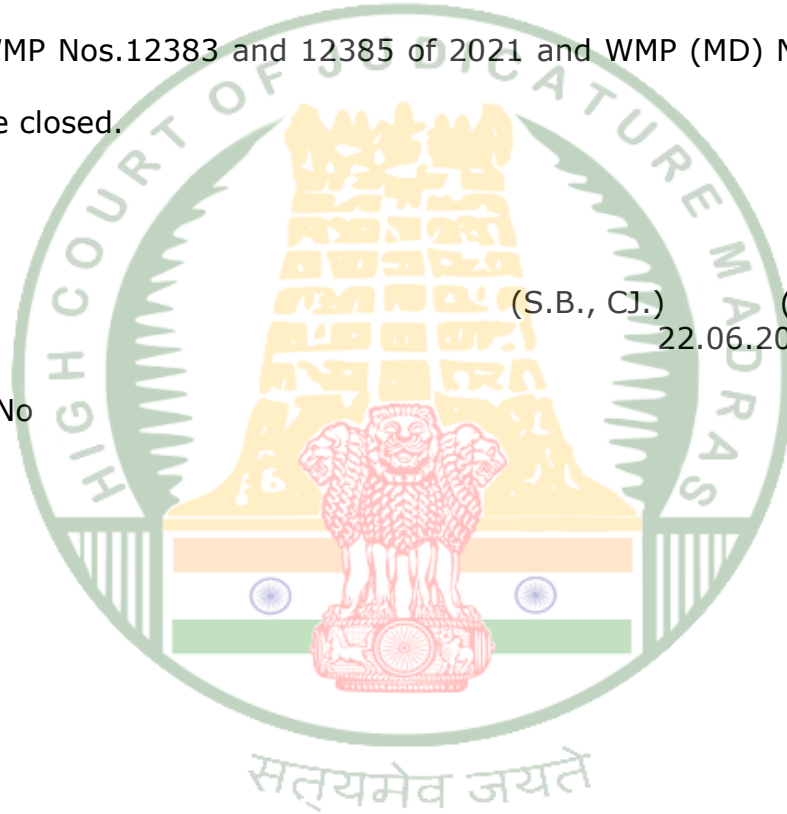
8. The Court appreciates the several helpful inputs by learned lawyers and others who intervened in the matter, not the least of them being to feed stray and abandoned animals during the lockdown period when scavenging became difficult.

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9. W.P.Nos.10486, 11644, 10821, 11851 of 2021, 12184 of 2020 and W.P.(MD) No.9485 of 2021 are closed. There will be no order as to costs. WMP Nos. 14927, 14924, 14923, 14925, 14926 of 2020, WMP Nos.12383 and 12385 of 2021 and WMP (MD) No.7215 of 2021 are closed.

(S.B., CJ.) (S.K.R., J.)
22.06.2021

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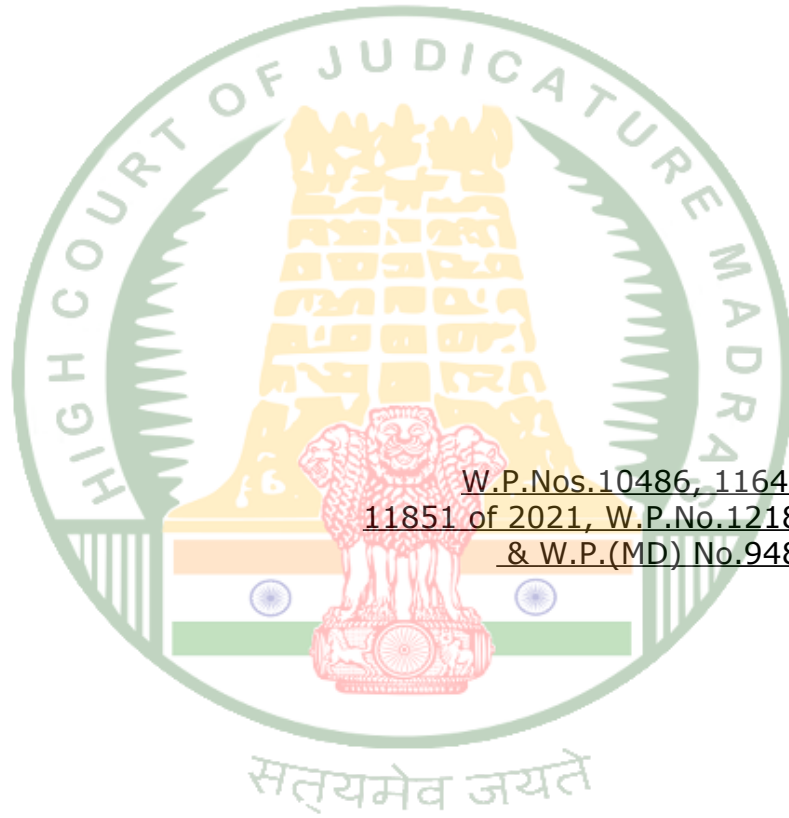


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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.

(kpl)



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