

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.04.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

WP.No.7472 of 2020

Gerugambakkam Sutruvattara Viyabarigal
Nala Sangam (Reg.No.507/2019)
No.267, Anna Road,
Gerugambakkam,Pallavaram Taluk,
Chennai-600 122.

.. Petitioner

Versus

- 1.The Union of India,
rep. By its Additional Secretary,
Department of Economic Affairs,
Ministry of Finance,
New Delhi-110 001.
- 2.The State of Tamil Nadu,
rep. By its Cheif Secretary to the Government,
Chief Secretariat, Fort St.George, Chennai- 600 009.
- 3.The Secretary to Government of Tamil Nadu,
Revenue and Disaster Managment Department,

- Chief Secretariat,
Fort St.George, Chennai- 600 009.
- 4.The Director General of Police,
Tamil Nadu Police Department,
Radhakrishnan Salai, Chennai.
- 5.The Commissioner of Police,
Greater Chennai Police, Vepery,
Chennai.
- 6.The Commissioner,
Greater chennai Corporation,
Rippon Building, Chennai.
- 7.The Chennai Metropolitan Development Authority(CMDA),
rep.by its Member Secretary,
Egmore, Chennai.
- 8.The Market Management Committee,
rep.by its Chief Executive Officer,
Koyambedu Wholesale Market Complex,
Chennai.
- .. 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 formulate a scheme for the welfare of the merchants and implement an action plan to facilitate their daily business activities at the time of prevailing lock down due to COVID 19 pandemic by adopting the following measures: (i) to involve the registered volunteers, NCC cadets, NSS students for the queue management during the COVID 19 lockdown period before the essential commodities shops to prevent the breach of physical distancing. (ii) to give proper instructions to the Revenue and Police Department not to take coercive action against the merchants under the guise of non-maintenance of physical distancing before their shops. (iii)

to provide free treatment for confirmed COVID 19 positive cases along with ex-gratia of 2 lakhs rupees to the merchants whom running essential commodities shops during the COVID 19 lockdown period. (iv) to issue temporarily identity cards to the merchants for their necessary movement to procure the essential commodities from the wholesale markets. (v) to permit the interstate and intrastate essential Goods Carrier Service under the supervision of the Government authorities to ensure the supply chain of essential commodities to the wholesale markets and local markets. (vi) to provide financial aid of Rs.10,000/- to the merchants whom closed their shops due to the continuous period of lockdown pertaining to COVID 19 pandemic. (vii) to waive the interest to the business loans obtained by the non-functioning merchants from the Banks and other financial institutions for a period of three months pertaining to COVID 19 pandemic. (viii) for strict implementation of physical distancing & compulsory mask wearing and erection of COVID 19 disinfection tunnels in Koyembedu Wholesale market complex and waive the collection of gate entry fee for the vehicles entering into Koyambedu Wholesale Market Complex by the 7th respondent and 8th respondent.

For Petitioner : Mr.A.Suresh Sakthi Murugan
 For Respondents : Mr.S.R.Rajagopal, AAG
 assisted by
 Mr.V.Jayaprakash Narayan, GP

ORDER

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

(1)The petitioner Association appears to be highly innovative and as usual, like any other Public Interest Litigants, developed the habit of giving very many advices for addressing the problems faced on account of COVID-

19 lock down.

- (2)As far as **prayers No.1 and 2** are concerned, the Association, on their own volition, can develop a team of volunteers for regulating the consumers who are coming to the shops of their Members, for the purchase of essential commodities.
- (3)As far as the alleged action being taken by the Revenue and Police Departments are concerned, the people are some times unruly and act against the law. Therefore, necessary action be taken in accordance with law in the form of coercive measures.
- (4)As far as **prayer No.3** is concerned, it is also general in nature and these kind of problems are faced by everybody and as such, this Court cannot issue any positive direction, in this regard. So also **prayer No.6** also.
- (5)As regards **prayers No.4 and 5** are concerned, the learned Additional Advocate General seeks time to file a Status Report and also with regard to the regulation (or) Standard Operating Procedure that are being put in place as to the selling of vegetables and other perishable articles/goods in Koyambedu Wholesale Market Complex.
- (6)The petitioner also prays for waiver of interest to business men by the

banks and other financial institutions.

(7) Insofar as the prayer No.7 is concerned, it depends upon Policy decision to be taken by the Government. Therefore, this Court cannot issue any positive direction, in this regard.

(8) Now, coming to **prayer No.8** is concerned, the physical distancing and compulsory mask wearing, cannot at all times, be put in place by way of compulsion and the people are very well aware of the consequences on account of the spread of COVID-19 virus and they have to take necessary precautions upon themselves to protect their lives.

(9) **Call on 28.05.2020** for filing of the STATUS REPORT.

[M.S.N.,J]

[M.N.K., J]

28.04.2020

AP

Internet : Yes

To

1. The Additional Secretary,
The Union of India,
Department of Economic Affairs,
Ministry of Finance,
New Delhi-110 001.

M.SATHYANARAYANAN, J.,

AND

M.NIRMAL KUMAR, J.,

AP

2.The Cheif Secretary to the Government,

The State of Tamil Nadu,

Chief Secretariat, Fort St.George, Chennai- 600 009.

3.The Secretary to Government of Tamil Nadu,

Revenue and Disaster Managment Department,

Chief Secretariat,

Fort St.George, Chennai- 600 009.

4.The Director General of Police,

Tamil Nadu Police Department,

Radhakrishnan Salai, Chennai.

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5.The Commissioner of Police,

Greater Chennai Police, Vepery,

Chennai.

6.The Commissioner,

Greater chennai Corporation,

Rippon Building, Chennai.

7.The Member Secretary

Chennai Metropolitan Development Authority(CMDA),,

Egmore, Chennai.

8.The Chief Executive Officer,

The Market Management Committee,

Koyambedu Wholesale Market Complex,

Chennai.

28.04.2020