

6. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai-600 004.
7. The Director,
Directorate of Public Health and Preventive Medicine,
Health and Family Welfare Department,
Teynampet,
Chennai 600 006
8. The Secretary to Government,
Municipal Administration Department,
Government of Tamil Nadu
Fort St. George,
Chennai - 600 009
9. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.
10. The Commissioner of Police,
Greater Chennai Police,
Office of the Commissioner of Police,
Vepery,
Chennai – 600 007

... Respondents

AFFIDAVIT OF N. TAMILARASU

I, N. Tamlarasu,

do hereby solemnly affirm and sincerely state as follows:

1. I am the Petitioner herein and as such I am well acquainted with facts and circumstances of this Writ Petition filed before this Hon'ble Court and therefore competent to swear to this Affidavit.
2. I am an Advocate by profession. I further state that I have no Personal Interest in filing this Petition. I am filing this Public Interest Litigation (hereinafter referred to as PIL) praying this Hon'ble Court to issue writ to *mandamus* to direct the 2nd, 3rd and 10th Respondents to enforce strict lockdown in the Greater Chennai Police Limits except allowing essential services till COVID – 19 is brought under control and pass any such other

or further order or orders, direction or directions as this Hon'ble Court may deem fit and thus render justice.

3. I am filing this Petition as a Public Interest Litigation under Article 226 of the Constitution of India.
4. I have filed this Writ Petition out of Public Interest and not at the instance of any person or organization. I have not filed any PIL earlier.
5. I state that this Writ Petition has been filed out of my own funds. Currently I am an Income Tax Assessee, my mobile number is
6. There is no vested interest in filing this PIL and I undertake to pay costs if any imposed by this Hon'ble Court.
7. I state that I am filing this Writ Petition out of the information I have gained from leading Newspapers, Online News, Social Media, Websites of the Respondents and other related websites.
8. The Corona outbreak was identified in the year December 2019 and thereafter it became a Public Health Emergency of International Concern. During the month of March 2020, the World Health Organisation recognised (hereinafter referred to as WHO) it as a Pandemic. There are more than 6.7 million confirmed cases of COVID - 19 and more than 3.9 Lakh deaths globally as per WHO (details given at https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200607-covid-19-sitrep-139.pdf?sfvrsn=79dc6d08_2). The virus spreads between people during close contact often via small droplets produced by coughing, sneezing or talking. The infection is also transmitted when anyone touches a contaminated surface and then their face.
9. I understand that in India as per the website of the Ministry of Health and Family Welfare (<https://www.mohfw.gov.in>) as on 08.06.2020 there are 124981 active cases, 124429 Cured/Discharged Cases, 7200 Deaths and 1

Migrated case. In the State of Tamilnadu as per the media bulletin dated 08.06.2020 issued by the 4th Respondent Department the total number of positive cases is 33,229 and the total number of deaths is 286.

10. As on 08.06.2020, in the state of Tamilnadu, according to the website of the Ministry of Health and Family Welfare, Government of India at <https://www.mohfw.gov.in> there are totally 31667 -Total Confirmed Cases of COVID-19, 16999 - Cured Cases, and 269- Deaths of COVID-19 has been reported.
11. Considering the seriousness of the COVID - 19 Pandemic, the 1st Respondent has issued an order dated 14.04.2020 vide D.O. No. 40-3/2020-DM-1(A) that the National Lockdown has been extended till 30.05.2020. Further the 1st Respondent vide order dated 30.05.2020 extended the Lockdown in Containment Zones till 30.06.2020 and also issued guidelines to reopen prohibited activities in a phased manner in areas outside Containment Zones by following Guidelines for Phased Re-opening(Unlock 1).
12. Thereafter the 5th Respondent issued a notification vide P.N.No.081 dated 31.05.2020 that based on the revised guidelines of the 1st Respondent and recommendations from different expert teams, the Government of Tamilnadu extended the Lockdown till 30.06.2020 midnight in the jurisdiction of Greater Chennai Police subject to relaxations as mentioned therein in the notification dated 31.05.2020.
13. It is relevant to understand the COVID-19 carries a much higher risk of severe disease and even death. The John Hopkins University – School of Public Health Expert Insights published an online article on 10.04.2020 titled ‘What is Herd Immunity and How Can We Achieve It With COVID-19?’ available at (<https://www.jhsph.edu/covid-19/articles/achieving-herd-immunity-with-covid19.html>), the article has explained the seriousness of COVID – 19. The relevant excerpts are as below

‘The death rate for COVID-19 is unknown, but current data suggest it is 10 times higher than for the flu. It’s higher, still among vulnerable

groups like the elderly and people with weakened immune systems. Even if the same number of people ultimately get infected with SARS-CoV-2, it's best to space those infections over time to avoid overwhelming our doctors and hospitals. Quicker is not always better, as we have seen in previous epidemics with high mortality rates, such as the 1918 Flu pandemic.'

14. There is increase in the number of Corona Positive cases because of the mismanagement of the Government of Tamilnadu based on online news report published on 11.05.2020 titled '*How Tamil Nadu took a wrong turn in the battle against coronavirus*' at (<https://www.indiatoday.in/diu/story/how-tamil-nadu-took-wrong-turn-in-battle-against-coronavirus-1676864-2020-05-1>). The excerpts of the online news is reproduced verbatim (as found in the online news link) as below:

'When the lockdown was announced, Tamil Nadu had just 26 cases of Covid-19, and it seemed like it would use the three weeks to contain the spread and isolate all cases. By the time the first extension was announced, cases had begun growing slowly.

A mismanaged vegetable market (Koyambedu) and panic buying before a four-day "intense lockdown" led to cases exploding in the southern state, even as other comparable states are stabilising.

On May 10, Tamil Nadu overtook Delhi to become the state with the third-highest number of cases, just behind Gujarat, and there is no sign yet of the spike stabilising.'

15. The Current scenario of the COVID-19 in jurisdiction of Greater Chennai Police and spread of the virus based on an online news report published on 05.06.2020 titled '*Chennai's COVID-19 case tally may touch 1,50,000-mark by mid-July: Study*' at (<https://www.timesnownews.com/chennai/article/chennai-s-covid-19-case-tally-may-touch-150000-mark-by-mid-july-study/602017>). The excerpts of the online news is reproduced verbatim (as found in the online news link) as below:

'Tamil Nadu capital Chennai may witness 1.5 lakh COVID-19 cases by the second week of July, the epidemiologists at the state-run Dr MGR Medical University have predicted.

According to the projection by Dr Srinivas' team, Tamil Nadu may witness 1.3 lakh coronavirus cases and 769 death by June 30.

The COVID cases in the state rose from 10,000 to 27,256 in just 19 days. On June 4, Chennai recorded 1,072 COVID-19 cases and 9,066 active cases.'

16. The above news report is scary and I state that exposing the life of innocent public(Aged, Young and Children) to such danger of COVID – 19 without application of proper scientific methods of phase wise relaxation of lockdown in jurisdiction of Greater Chennai Police. If no strict lockdown is enforced in the jurisdiction of Greater Chennai Police and further relaxations are executed there shall be an irreversible damage done to the health and life of the general public within jurisdiction of Greater Chennai Police.
17. Even though in many parts of the Tamilnadu the spread and intensity of COVID-19 pandemic has been under control, but in the capital city within the jurisdiction of Greater Chennai Police the intensity of the pandemic is very high and is increasing day by day based on the Tamilnadu Government's Media Bulletin reports from 03.06.2020 to 08.06.2020 which shows an increase in the number of COVID-19 positive cases from 1012 on 03.06.2020 to 1149 on 08.06.2020.
18. I learnt from the online news report titled' dated on 01.06.2020 titled '*Delhi Seals Borders For A Week, Only Essential Services Allowed*' at (<https://www.ndtv.com/india-news/delhis-borders-sealed-for-a-week-only-essential-services-and-those-with-passes-will-be-allowed-says-arvind-kejriwal-2238578>) regarding the measures taken by Delhi Government to control the spread of COVID - 19. The excerpts from the aforesaid online news link is as below:-

"Mr Kejriwal explained that the borders were being shut temporarily to allow hospitals and medical institutions in the city time to get a handle on the increase in coronavirus cases. He also stressed that while the spike in numbers was disturbing, it should not lead to panic.

"Delhi borders are to be sealed for the next week. Essential services are exempted. We will take a decision again in one week to open borders after seeking suggestions from citizens," he said "

19. As on date there are 23,298 of COVID – 19 total confirmed cases in Chennai Corporation Limits and the increase in number of cases could not be contained. In such a situation it is apparent that the Government of Tamilnadu has not enforced strict lockdown in the jurisdiction of Greater Chennai Police to control the spread of COVID-19. Though the Government of Tamilnadu has asserted that experts are being consulted in deciding policy matters in regard to containing COVID - 19, such decisions to contain COVID - 19 seems to be ineffective. The Government of Tamilnadu need to enforce strict lockdown considering the ground reality of COVID – 19 in jurisdiction of Greater Chennai Police. The 2nd, 3rd, 4th and 7th Respondents have not been able to publish (to the best of my knowledge) any report/scientific study endorsed by experts to the effect that such relaxations are done considering the ground realities in the jurisdiction of Greater Chennai Police.
20. According to an online news report dated 07.06.2020 titled '*Chennai's pvt hospitals are running out of beds – and the govt has no clear plan*' available at <https://www.thenewsminute.com/article/chennai-hospitals-are-running-out-beds-and-govt-doesnt-have-plan-126075> there are alarming reports, the excerpts of which reproduced below:

'Both government and private hospitals in Chennai are struggling to meet the demand for beds, as the number of COVID-19 positive patients in the city continues to grow at an alarming rate. As of Saturday, Tamil Nadu's capital Chennai accounts for close to 21,000 of the 30,152 cases in the state and the city's hospitals are unable to keep up with these rising figures. Even residents, who can afford to get treated in private hospitals, have reported that there are no beds available for treatment and that they are being turned away.

TNM contacted 17 private hospitals that have currently allied with the Public Health Department to provide treatment for patients, who have tested positive for the virus. Of these, three hospitals could not be contacted over the phone -- with both the cell numbers provided by the government and landline numbers offered on the hospital's website unattended.

Only a total of three hospitals -- one in Chrompet, Chengalpattu and a third in Melmaruvathur admitted to having enough beds, equipment and staff to take in patients, who have tested positive.'

21. It can be seen from all above that the State of Tamilnadu has failed to implement in letter and spirit the objectives of the Disaster Management Act, 2005 which is continuous and integrated process of planning, organising, coordinating and implementing measures which are necessary or expedient prevention of danger or threat of COVID – 19, ,mitigation or reduction of risk of any COVID – 19, its severity or consequences, assessing the severity or magnitude of effects of COVID – 19.
22. The State of Tamilnadu ought to have implemented the objectives of the Disaster Management Act, 2005 scientifically by balancing the economy and also not exposing the general public to danger of COVID - 19. But the situation of COVID – 19 in the jurisdiction of Greater Chennai Police has been more swayed towards the economic activities and not Protection of Life of the general public.
23. Considering all the above and urgency I sent a representation dated 06.06.2020 through email to the Respondents seeking strict lockdown in the jurisdiction of Greater Chennai Police. The email to the 6th Respondent bounced back without being delivered. The same has not been acted upon till now.
24. In the aforesaid circumstances, I have no other option than filing this present Petition seeking the intervention of this Hon'ble Court for a writ of *mandamus* on the following amongst the other grounds:-

GROUND

- I. For that, the infection transmits through close contact with a COVID-19 infected person(s) and to avoid the transmission, the social distancing has to be followed, but without strict lockdown across Chennai it is very difficult to maintain social distancing and this puts the life of the every family member of the person(including the aged and children) at huge risk.

- II. For that, it is the duty of the 2nd, 3rd, 4th, 9th and 10th Respondents to safeguard the life of general public in the jurisdiction of Greater Chennai Police by enforcing strict Lockdown till the spread of COVID-19 is under control.
- III. For that, the 2nd, 3rd, 4th, 9th and 10th Respondents ought to have considered that it is the Fundamental Right of the general public in jurisdiction of Greater Chennai Police as per Article 21 of the Constitution for Protection of Life and therefore they ought not to formulate policies which may spread COVID – 19 infection and must not put the lives of general public in jeopardy.
25. I state that under the aforesaid circumstances considering the current situation of infection of COVID – 19 spreading across Chennai it may not be the right decision to relax the lockdown in the jurisdiction of Greater Chennai Police which will ultimately worsen the situation risking the life of general public and all the efforts done by the Frontline Warriors will be at stake.

Therefore in light of all the above I most humbly pray that this Hon'ble Court may be pleased to issue a writ of *mandamus* directing the 2nd, 3rd, 9th and 10th Respondents to take appropriate and necessary action based on my representation dated 06.06.2020 to enforce strict lockdown in the jurisdiction of Greater Chennai Police by allowing only essential services till COVID – 19 is brought under control and pass any such other or further order or orders, direction or directions as this Hon'ble Court may deem fit and thus render justice.

Deponent's Signature

Solemnly affirmed at Chennai on
this the 10th day of June 2020
and signed his name in my presence.

Before Me

Advocate, Chennai

MEMORANDUM OF WRIT PETITION

(Under Article 226 of Constitution of India)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

W.P. No. _____ of 2020

N. TAMILARASU,
Advocate,

...Petitioner

VERSUS

The Home Secretary,
Ministry of Home Affairs,
North Block,
New Delhi – 110 001

& 9 Ors

... Respondents

AFFIDAVIT OF N.TAMILARASU

- 1. S. JOHN J. RAJA SINGH,**
B.E.,M.Tech,LL.B.(I.I.T.Kharagpur)
(Enrol. No. Ms.1721/2012)
- 2. V. VASANTHAKUMAR,** B.Com.M.L
(Enrol. No. Ms.1970/2005)
- 3. P.M.SURENRAKUMAR,**M.A.,MBA.,LL.B
(Enrol. No. Ms.745/2016)
- 4. S. ASHOKKUMAR,** B.A.,LL.B.
(Enrol No.ms. 3299/2018)
- 5. R. MURALIDHARAN,** M.A.,LL.B.
(Enrol No.ms. 1410/2019)

Counsels for the Petitioners

Mobile: 98402 89229, 95000 70959