

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE V.G.ARUN

Thursday, the 1st day of September 2022 / 10 th Bhadra, 1944
WP(C) NO. 17628 OF 2022(C)

PETITIONER:

SAYEEDA K.A, AGED 44 YEARS,W/O LATE ABDUL NAZAR M.H, MOOLEPARAMBIL HOUSE, VRINDAVAN ROAD, CHAKKARAPARAMBU, THAMMANAM P.O, KOCHI, ERNAKULAM, PIN 682032

RESPONDENT:

1. UNION OF INDIA REPRESENTED BY THE SECRETARY, NORTH BLOCK, NEW DELHI - 110 001.
2. NATIONAL DISASTER MANAGEMENT AUTHORITY REPRESENTED BY THE SECRETARY NDMA BHAVAN, A-1 SAFARJUNG ENCLAVE NEW DELHI - 110 029
3. THE STATE OF KERALA REP BY CHIEF SECRETARY GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM 695001
4. DISTRICT COLLECTOR ERNAKULAM FIRST FLOOR OF CIVIL STATION, ECHAMUKU, KUNNUPURAM, KAKKANAD, ERNAKULAM DISTRICT PIN 680030.
5. DISTRICT MEDICAL OFFICER ERNAKULAM, ERNAKULAM PARK AVE, MARINE DRIVE ERNAKULAM, ERNAKULAM DISTRICT PIN 682011
6. TAHSILDAR KANAYANNUR PARK AVE NEAR SUBHASH PARK MARINE DRIVE KOCHI KERALA 682011, PIN - 682011
7. VILLAGE OFFICER POONITHURA VILLAGE VYTI LA ERNAKULAM COCHIN ERNAKULAM KERALA, PIN - 682019
8. ADDL R8, UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF HEALTH AND FAMILY WELFARE, NEWDELHI IS SUO MOTU IMPEADED AS ADDL R8 VIDE ORDER DATED 25-07-2022 IN WP(C) 17628/2022.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to set aside Exhibit P9 issued by the 5th respondent in response to Exhibit P8 and issue a writ in the nature of mandamus or any other writ, direction or order directing the respondents to grand ex gratia compensation offered to families of deceased who have succumbed to Covid 19 to the petitioner and her children within a short time frame as may be decided by this Honourable Court.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 10-08-2022 and upon hearing the arguments of M/S.PRABHU K.N. & MANUMON A., Advocates for the petitioners, ASSISTANT SOLICITOR GENERAL OF INDIA for R1 & R2, GOVERNMENT PLEADER for R3 to R7 and of CENTRAL GOVERNMENT PLEADER for ADDL R8, the court passed the following:

V.G.ARUN, J.

=====

W.P. (C) No.17628 of 2022

Dated this the 01st day of September, 2022

ORDER

The documents on record *prima facie* shows that the petitioner's husband died due to adverse events following immunization. This writ petition is filed seeking the following reliefs;

"i) Set aside Exhibit P9 issued by the 5th respondent in response to Exhibit P8.

ii) Issue a writ in the nature of mandamus or any other writ, direction or order directing the respondents to grant *ex gratia* compensation offered to families of deceased who have succumbed to Covid 19 to the petitioner and her children."

2. When the matter was taken up on previous occasion, learned ASG was directed to get instructions as to whether the Government of India has formulated any policy for compensating the victims of adverse events, following Covid-19 vaccination. Learned ASG submitted that no

W.P.(C) No.17628 of 2022

-2-

such policy has so far been formulated.

3. Sitting in this jurisdiction, I have come across at least three cases where pleadings are to the effect that the person who had undergone Covid-19 immunization vaccination had succumbed to the after effects of vaccination. Therefore, even if the numbers are very few, there are instances where persons are suspected to have succumbed to the after effects of immunization. In such circumstances, respondents 2 and 8 are bound to formulate a policy for identifying such cases and compensating the dependants of the victim. The second respondent is hence directed to formulate policy/guidelines for identifying cases of death due to the after effects of Covid-19 vaccination and for compensating the dependants of the victim. The needful in this regard shall be done as

W.P.(C) No.17628 of 2022

-3-

expeditiously as possible and at any rate, within three months.

Post after three months.

Sd/-
V.G.ARUN
JUDGE

Sc1/02.09.2022

