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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].No.17387 of 2016

Tamil Nadu Centre for Public Interest Litigation,
rep. by K.K.Ramesh,
Managing Trustee,
No.26-A, Old Mahalipatti Road,
Madurai - 625 001.

:Petitioner

Vs.

1.The Government of India,
rep. by its Principal Secretary to Prime Minister,
Prime Minister's Office,
South Block, Raisina Hill,
New Delhi - 110 001.

2.The Government of India,
rep. by Home Secretary,
Ministry of Home Affairs,
North Block, New Delhi - 110 001.

3.The Government of India,
rep. by its Defence Secretary,
Ministry of Defence,
New Delhi.

4.The Government of Tamil Nadu,
rep. by its Home Secretary,
Secretariat, Chennai.

5.The Director General of Police,
D.Radhakrishnan Salai,
Chennai.

:Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to ensure taking sufficient measures to protect the interests and properties of Tamil people in Karnataka and Kerala and also to protect their life and liberty in these two in other states to maintain and uphold the sovereignty, integrity of India and to guarantee the peaceful coexistence of people in three states by considering the petitioner's representation dated 12.09.2016.



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For Petitioner : Mr.K.K.Ramesh,
Pary-in-person
For respondents : Ms.S.Srimathi
1 to 3
For respondents 4 & 5 : Mr.Ayiram K.Selvakumar,
Government Advocate

O R D E R

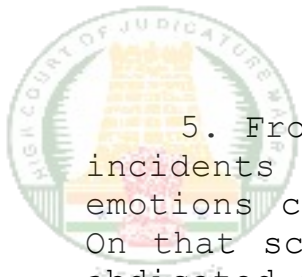
[Order of the Court was made by S.NAGAMUTHU, J.]

The petitioner, the Managing Trustee of an organization known as Tamil Nadu Centre for Public Interest Litigation, has come up with this Public Interest Litigation, seeking a direction to the respondents 2 and 3 to take sufficient measures to protect the life and property of Tamil people living in Karnataka and Kerala and to maintain and uphold the safety and integrity of community and also to guarantee the peaceful coexistence of people in the three states by considering the petitioner's representation dated 12.09.2016.

2.The petitioner appeared in person. We have heard the petitioner, Ms.S.Srimathi, learned counsel appearing for the respondents 1 to 3 and Mr.Aayiram K.Selvakumar, learned Government Advocate appearing for the respondents 4 & 5. We have also perused the records carefully.

3.In the affidavit filed in support of the petition, the petitioner stated that recently the Hon'ble Supreme Court has passed an order directing the Government of Karnataka to release certain quantity of water from its reservoirs to Tamil Nadu for irrigation purposes. As per the order passed by the Hon'ble Supreme Court, the State Government of Karnataka has released water into Kavery river. Enraged over the same, according to the petitioner, there were agitations by the formers and other political outfits in Karnataka. Under the guise of the said protests, it is stated that the Tamilians, who are residing in Karnataka State, are being attacked and their properties are also being damaged. The petitioner has also stated few instances of such damage caused to the properties from and out of the newspaper reports. Thus, according to the petitioner, there is lack of safety for the people of Tamil Nadu, who are now residing in Karnataka and Kerala state. With this grievance, the petitioner has come up with this Public Interest Litigation.

4. The learned counsel appearing for the respondents would submit that the respective Governments are taking adequate measures in ensuring peace and tranquility among the people living in Karnataka and Kerala, and also ensuring safety and security of the people of Karanataka residing in Tamil Nadu.



5. From the rival submissions, it is clear that due to certain incidents within the States, certain people are actuated by emotions caused on account of release of water into Kavery river. On that score, we cannot say that the respective Governments have abdicated their duties and they are not giving adequate protection to the people. Except certain incidents, where some properties were damaged, the petitioner is not able to make out even a *prima facie* case that the respective Governments are not taking adequate measures to protect the life and property of the citizens. Therefore, we are not in a position to issue any direction as prayed in this petition.

6. Party-in-person would submit that at least an observation may be made that there has to be protection for the people at the instance of the Government. We are not inclined to make even such an observation, because we are fully satisfied that the respective Governments are taking adequate measures to protect the life and liberty as well as the property of the citizens irrespective of the place where they hail from.

7. In such view of the matter, we do not find any merit at all in this Public Interest Litigation and accordingly, the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

- 1.The Principal Secretary to Prime Minister,
Prime Minister's Office, South Block, Raisina Hill,
New Delhi - 110 001.
 - 2.The Home Secretary, Ministry of Home Affairs,
North Block, New Delhi - 110 001.
 - 3.The Defence Secretary, Ministry of Defence, New Delhi.
 - 4.The Home Secretary, Secretariat, Chennai.
 - 5.The Director General of Police, D.Radhakrishnan Salai, Chennai.
- +1cc to the Special Government Pleader, in SR. 52838
+1cc to M/s.S.M.S.Johny Basha, Advocate in SR.52278
+1cc to M/s.K.K.Ramesh, Party in Person in SR.52470

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