

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2018

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.No.19813 of 2018

Traffic Dr.K.R.Ramaswamy

.. Petitioner

-vs-

1.The Secretary,
The Hon'ble President of India,
President's Secretariat,
Rashtrapati Bhavan,
New Delhi-110 004.

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

State represented by:

3.The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Fort St.George, Chennai-600 009.

4.The Secretary,
His Excellency the Governor of Tamil Nadu,
Governor's Secretariat,
Raj Bhavan, Chennai-600 022.

5.The Home Secretary,
2nd Floor, Main Building,
Rajaji Salai, Fort St.George,
Chennai-600 009.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 5 to consider the representation dated 18.7.2018 sent by the petitioner to the Governor of Tamil Nadu who has failed till date to submit report despite inspections at various parts of the State and thus the Constitutional mandate has to now at least recommend to the President of India to invoke Section 356 (1)(a) of the Constitution of India and take charge of the Home Department including the State Intelligence Machinery.

For Petitioner : Mr.K.Arvind

ORDER

(Order of the Court was made by
THE HON'BLE ACTING CHIEF JUSTICE)

This writ petition has been filed by the petitioner as a Public Interest Litigation to direct the respondents 1 to 5 to consider the representation dated 18.7.2018 made by the petitioner to the Governor of Tamil Nadu, for recommending the President of India to invoke Section 356(1)(a) of the Constitution of India and to take charge of the Home Department of the State, including the State Intelligence Machinery.

2.Upon perusal of the affidavit filed in support of this writ petition, it is seen that the petitioner has referred to pollution of ground water on account of Sterlite industry in Thoothukudi and the violence resulting in the death of 15 persons in Thoothukudi, recovery of monies from the State Ministers, non-filing of charge sheet for more than 15 months by the Election Commission of India despite the FIR being filed, gross violations in hoisting digital and flex banners and so on. The petitioner has also referred to the acquisition of lands for constructing 8-way roadway in Salem. It is also stated that there are crimes against children and many police officials are guilty of many accusations. The petitioner has also referred to many other instances.

3.But, it is seen that certain of these incidents have been referred, based on the reports in the newspapers. There are no serious instances of any unwarranted situation to impose emergency, much less State emergency. One person may feel that there is law and order problem and for some other, it is not so. It depends upon the individual's perception.

4.On the whole, on a perusal of the affidavit, we feel that this writ petition has been filed only for publicity purpose and not for any thing else. We are not agreeing with the contentions raised by the petitioner that a law and order situation has arisen for imposing emergency. The prayer sought for by the petitioner is unwarranted and hence the writ petition is dismissed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to
The Hon'ble President of India,
President's Secretariat,
Rashtrapati Bhavan,
New Delhi-110 004.

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

3.The Chief Secretary to Government,
Government of Tamil Nadu,
Secretariat, Fort St.George, Chennai-600 009.

4.The Secretary to
His Excellency the Governor of Tamil Nadu,
Governor's Secretariat,
Raj Bhavan, Chennai-600 022.

5.The Home Secretary to Government,
Government of Tamil Nadu,
2nd Floor, Main Building,
Rajaji Salai, Fort St.George,
Chennai-600 009.

+3cc to Mr.K.Arvind, Advocate sr.no.54614
+1cc to Government Pleader sr.no.54510

W.P.No.19813 of 2018

nr 30/08/2018

सत्यमेव जयते

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