

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.05.2020

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THE HON'BLE DR.JUSTICE VINEET KOTHARI

AND

THE HON'BLE MS.JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.7597 OF 2020 and 7554 of 2020

B.Ramkumar Adityan Petitioner

Vs.

1. The Chief Secretary,
Government of Tamil Nadu,
St. George Fort,
Chennai 600 009.

2. Additional Chief Secretary
Information Technology Department,
Government of Tamil Nadu,
St. George Fort, Chennai 600 009.

3. Commissioner of E.Governance,
Tamil Nadu E.Governance Agency,
LIC Building, 2nd & 7th Floor, P.T.Lee,
Chengalvaraya Naicker Building,
Opt.Anna Salai, Chennai 600 002.

Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents to take final decision to dispose e-pass application for Death and Medical Emergency and inform to the applicant within one hour from time of application and consequently direct to issue epass for Death and Medical Emergency throughout 24 hours in a day.

For Petitioner : Petitioner-in-Person

For Respondents : Mr.S.R.Rajagopal,
Additional Advocate General
assisted by
Mr.V.Jayaprakash Narayanan
Government Pleader

W.P.No.7554 of 2020 :-

Lion G.Devarajan .. Petitioner

vs

1.The Home Department
rep.by its Additional Chief Secretary
Secretariat, Fort St George,
Chennai - 9.

2.The Principal Secretary
Revenue Department
Secretariat, Fort St George,
Chennai-9.

3.The Health and Family Welfare Department
rep.by its Secretary to Government
Government of Tamil Nadu,
Secretariat, Fort St George, Chennai-9.

4.The Director General of Police
Tamil Nadu Police Department
Dr.Radhakrishnan Salai, Mylapore, Chennai 600 004.

5.The District Collector
Collectorate, 62, Rajaji Salai,
Chennai 600 001.

6.The Commissioner
Head of All District Collector
Commissionerate of Revenue Administration
Ezhilagam, Chepauk, Chennai 600 005.

7.The Commissioner
Greater Chennai Police Commissioner Officer
Vepery, Chennai 600 007.

8.The Commissioner
Greater Chennai Corporation

Rippon Buildings, Chennai-3. .. 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 take action and considering petitioner's online petition through Emails representation dated 28.04.2020 for the Inspector of Police or Village Administrative Officer conduct the instant enquiry regarding the death, marriage and medical of the First Class Legal Heirs or dependable of the candidate and issue the E-Pass as soon.

For Petitioner : Lion G.Devarajan Party-in-person

For respondents 1 to 7 : Mr.S.R.Rajagopal,
Additional Advocate General
assisted by
Mr.V.Jayaprakash Narayan,
Government Pleader

COMMON ORDER
(Made by DR.VINEET KOTHARI, J.)

Since the issue involved in both the writ petitions are one and the same, the writ petitions are disposed of by way of this common order.

2. The writ petition in W.P.No.7597 of 2020 has been filed by practising advocate Mr.B.Ramkumar Adityan, with the grievance that e-pass facility available to the people of Tamil Nadu were not quickly attended to, particularly in the cases of death and medical emergencies, causing inconvenience to the various members of the public.

3. Upon issuance of processes, the learned Additional Advocate General Mr.S.R.Rajagopal has put in appearance and in the presence of Ms.Ramana Saraswathi, Secretary, Tamil Nadu, E-governance. We have heard the

respective counsel for the petitioners, who appeared in person.

4. The learned Additional Advocate General has explained in detail the procedure for dealing with e-passes of applicants on the e-portal of the State, viz., tnepass.tnega.org, which has commenced functioning from 2 May 2020 during the present COVID 19 Times and he submitted that by applying the necessary filters, all the e-pass applications are immediately attended and particularly in the cases of death and medical emergencies, such applications are processed in half an hour time in the city of Chennai, whereas in the District level, the applications are processed in two hours time. He submitted that upon uploading of the requisite evidence of death or medical emergencies, such applications are immediately attended to and processed with adequate staff working in the said portal and even between 2 a.m. And 8 a.m., the skeleton staff is available to process such applications in the case of emergencies. The State Level Committee looks into the inter State e-passes for travelling from the State of Tamil Nadu to other States, whereas the District Level Committee looks into the applications for inter-District travel within the State of Tamil Nadu. He submitted that even in cases where the verification of fact of medical emergency or death is required, if the concerned Doctor's certificates are not furnished or uploaded, necessary verification is carried out and upon that also, the applications are processed. He submitted that at State Level, it takes only half of an hour and at District Level, not more than two

hours to process such e-pass applications.

5. To the particular case referred in the present PIL filed by the petitioner, he submitted that it took some more time because of the transition from the manual processing of applications to e-processing, which commenced only from 2 May 2020. As in the present case, the application was moved only on 2 May 2020, for bringing a child from one district to another for medical assistance and the said application in the first instance was processed on 3 May 2020 and finally pass could be allowed after processing through e-portal on 4 May 2020. He submitted that no such delay has occurred in any of the other cases and this case may be an exceptional one.

6. Upon hearing the learned counsel for the Petitioner and the learned Additional Advocate General and also the Secretary, Tamil Nadu e-governance, this court is satisfied that the e-pass pass facility in the State is being run in an efficient and appropriate manner and not many grievances have come up for undue delay in processing such applications. Even the learned counsel for the petitioner and the other petitioner appearing in person, feel satisfied and they do not have any such case in hand to point out about the undue delay caused by the State Level Committee or District Level Committee in issuing e-pass to the applicants.

7. The learned Additional Advocate General has also submitted that if

the applications are to be rejected for want of requisite proof, showing the requirement of such travel, the rejection order is also communicated to the applicants and due SMS alerts in either of the cases are sent to the mobile numbers given in the application form. He therefore, assured the court that the work in the e-pass facility is being undertaken during these COVID Times in an efficient and appropriate manner.

8. We do not find any reason or contra material on record, to disbelieve the version of the learned Additional Advocate General and the explanation given by the State in this regard and therefore, we are satisfied that no further grievance remains in the present writ petitions. We do not consider it appropriate to continue with these public interest writ petitions any more. Therefore, we close both these writ petitions with liberty to the petitioners or any member of the public, if they have any particular grievance, they could approach the appropriate Grievance Redressal Forum or the legal forum in this regard.

9. With these observations, we close these writ petitions with no order as to costs.

(V.K.,J.) (P.S.N., J.)

11.05.2020

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To

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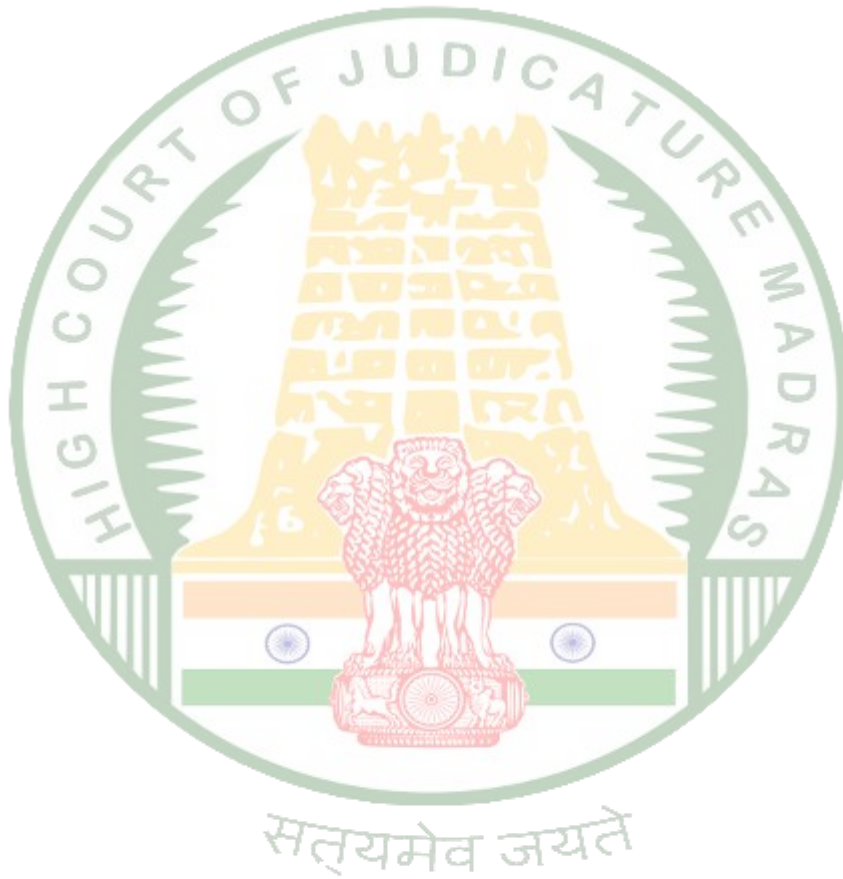
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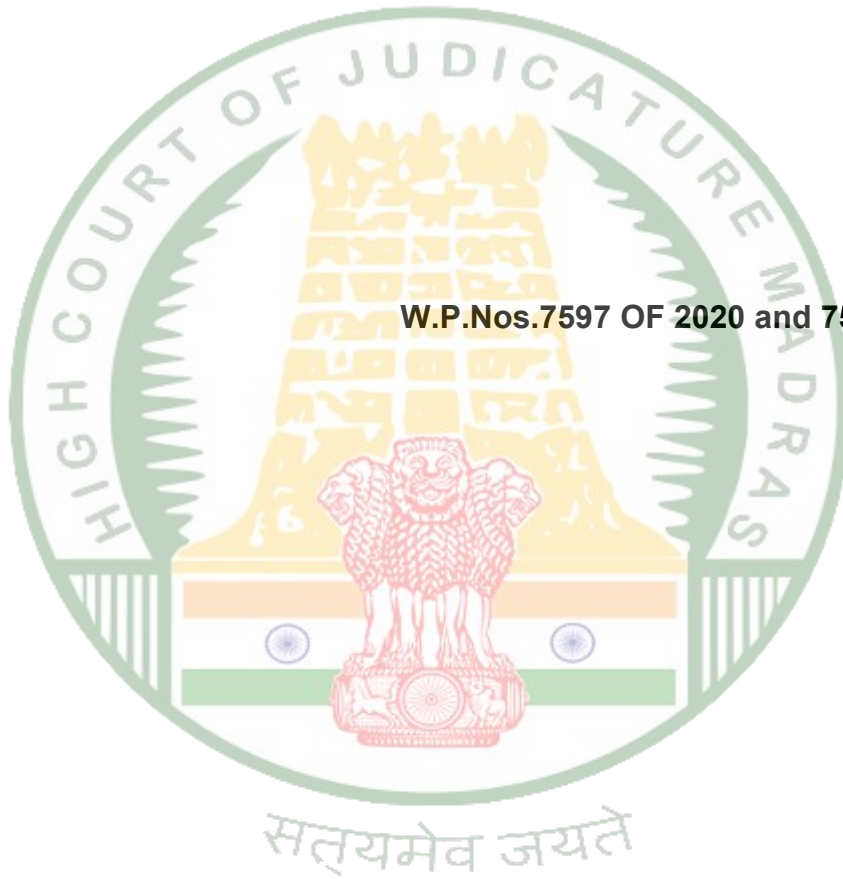
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Rippon Buildings, Chennai-3.



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PUSHPA SATHYANARAYANA, J.
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