

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

WP.No.7655 of 2020

Mr.J.Shaik Fareed

.. Petitioner

Versus

1.The Chief Secretary

Tamil Nadu Government

Secretariat, Chennai 600 009.

2.The Secretary

Ministry of Health

Tamil Nadu Government

Secretariat, Chennai 600 009.

... 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 grant permission for the distribution of Ramadan Iftar food/Rice Porridge to the needy people through Mosques in the State including Red Zones.

For Petitioner : Mr.M.Ahamed Fazil

For Respondents: Mr.V.Jayaprakash Narayan, GP

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ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

(1)The petitioner claims to be the Tamil Nadu State General Secretary of Tamil Nadu Kisan Wing Congress Farmers Union, Thiruvavur Zone.

- (2) The learned counsel for the petitioner would submit that due to outbreak of COVID-19 pandemic virus, the Government of India as well as the State Governments are taking various measures to control the spread of the disease and lock down measures are also put in place, especially in respect of Red Zones.
- (3) It is the further submission of the learned counsel for the petitioner that during the Holy month of Ramzan, poor people professing Islam faith, are finding it extremely difficult to prepare Iftar food / rice porridge for breaking the fasting and therefore, the petitioner may be granted permission to prepare it and deliver it to the needy and poor and prays for a positive direction.
- (4) Per contra, Mr.V.Jayaprakash Narayan, learned Government Pleader appearing for the official respondents would submit that lock down measures have been put in place in pursuant to various Notifications issued under the statute, viz., The Disaster Management Act, 2005, and strict enforcement of containment has been put in place by identifying them as Red Zones to prevent the spread of the very serious pandemic virus and if the prayer sought for by the petitioner is granted, there may not be any effective measures to be put in place as to the orderly behaviour of the persons who receive the cooked food and rice porridge to be distributed by the petitioner and further points out that law and order machinery, Revenue and Local Administration have already been stressed to the maximum and they are also finding it extremely difficult to control large gathering of people and taking into consideration the above facts and circumstances, prays for dismissal of this writ petition.
- (5) This Court paid its anxious consideration to the rival submissions and also perused the materials placed before it.
- (6) In the light of the lock down/ prohibitory order put in place especially with regard to the containment to prevent further outbreak/spread of pandemic COVID-19 virus, if the prayer sought for the petitioner is granted, it will only result in negation of the said efforts taken by the Government. It is also brought to the knowledge of this Court that the State Government has also released a Press Release in No.274 dated 16.04.2020, as to the provision of rice for preparation of rice porridge so as to enable the people professing Islamic faith to break fasting everyday till the culmination of Ramzan and the challenge made to the said Press Release by the Hindu Munnani, by filing a writ petition in WP.No.7500/2020, has also been dismissed by this Court.

(7) In the light of the above facts and circumstances, this Court cannot issue a positive direction as sought for by the petitioner.

(8) In the result, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

AP

To

1.The Chief Secretary
Tamil Nadu Government
Secretariat, Chennai 600 009.

2.The Secretary
Ministry of Health
Tamil Nadu Government
Secretariat, Chennai 600 009.

WP.No.7655 of 2020

VSN II (CO)
GMY (11/06/2020)

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