

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.05.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Ms. Justice P.T.ASHA

W.P.No.7711 of 2020

& W.M.P.No. 9069 of 2020

M. Panneerselvam (Aged about 58 years)
S/o P.Mamathy
23, Market Street,
Kariapatty - 626 106
Virudhunagar District.

... Petitioner

-Vs-

1.Union of India
Rep. by the Secretary,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi - 110 011.

2.Union of India
Rep. by the Secretary,
Ministry of Ayush, AYUSH Bhawan B-Block,
GPO Complex, INA, New Delhi 110 023.

3.The Principal Secretary / Commissioner of
Revenue & Administration,
Disaster Management and Mitigation,
Govt. of Tamil Nadu, Fort St.George, Chennai - 600 009.

4.State of Nadu, Rep.by its Secretary
Department of Health and Family Welfare
Fort St.George, Chennai-600 009.

5.The Director General of Police, Kamarajar salai,
Chennai - 600 005. ... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondents to withdraw the lock down, to set up a committee with strong protocols of creating awareness amidst the public, set up medical professionals and body comprising of both branches of Allopathic and AYUSH (Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homeopathy) towards preventing as well as treating

the said Corona virus and to set up a body of comprising Economical experts, Social experts and other experts on different fields for initiating rehabilitation measures and policy for enabling the public as well as the state to come out from the stagnation of economic condition occurred in the past due to the lock down protocols.

For Petitioner ... Mr.M.Panneerselvam,
Party-in-person

For Respondents... Mr.G.Rajagopal,

1 & 2 Addl. Solicitor General of India

For Respondents... Mr.V.Jeyaprakash Narayanan
3 to 5 Government Pleader

ORDER

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

The petitioner, who is the practising Advocate, has come forward to file this pro bono litigation, seeking a direction to the respondents to withdraw the lock down, set up a Committee with strong protocols of creating awareness amidst the public, set up medical professionals and body comprising of both branches of Allopathic and AYUSH in preventing as well as treating the said Corona virus apart from constituting body of experts in the field of economy, among other fields for initiating the rehabilitation measures.

2. We have heard the petitioner, who incidentally claims to have sufficient knowledge in the field of medicine and the learned Additional Solicitor General of India.

3. As rightly submitted by the learned Additional Solicitor General of India, what the petitioner seeks is a declaration from the Court of law, which is not competent otherwise, to declare that the pandemic caused by the Corona virus is nothing but a flu. Such a declaration, we are afraid, cannot be granted by this Court.

4. The petitioner further seeks to rely upon the materials produced by him. On a perusal of the materials, we find that they do not have any bearing on the facts of the case. One of the materials relied upon has not even emanated from United Kingdom is not even followed by the said country. The petitioner further submitted that at least, this Court can direct the general public to have free access to all the facilities without wearing face mask. A further request of the petitioner is that the movement will have to be made free without insisting upon the Passes.

5.The request made can only cause a disaster. Already, the Union of India and the State Government have categorized the areas Zone-wise, keeping in view the number of persons affected. Permitting the people to have access from one place to another will result in taking the deadly virus to different parts of the country, which we otherwise not competent to do so. These are all the policies of the State. Already, measures are in place to ease out the lock down and curfew. Such a decision taken after due deliberation with various experts and the competent authorities cannot be reviewed by us by invoking Article 226 of the Constitution of India.

6. In such view of the matter, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

raa/mmi/ssm

To

- 1.The Secretary, Union of India
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi - 110 011.
- 2.The Secretary, Union of India
Ministry of Ayush, AYUSH Bhawan B-Block,
GPO Complex, INA, New Delhi 110 023
- 3.The Principal Secretary / Commissioner of
Revenue & Administration,
Disaster Management and Mitigation,
Govt. of Tamil Nadu, Fort St.George, Chennai - 600 009.
- 4.The Secretary, State of Nadu,
Department of Health and Family Welfare
Fort St.George, Chennai-600 009.
- 5.The Director General of Police, Kamarajar salai,
Chennai - 600 005.
- 6.The Government Pleader, High Court of Madras.

W.P. No. 7711 of 2020

RSV (CO)

RMP (24/07/2020)