

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.10256 of 2020

Traffic Dr.K.R.Ramaswamy
S/o. Rangaswamy,
Social Activist/ Senior Citizen,
No.123, Prakasam Salai,
3rd Floor, Chennai- 600 108.

.. Petitioner

Vs

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

2.The Secretary
Municipal administration Department,
Government of Tamil Nadu, Fort St George,
Chennai-600 009.

3.The Director General of Police,
Dr.Radhakrishnan Salai, Mylapore,
Chennai- 600 005.

4.The Commissioner
Chennai Corporation, Rippon Building,
Chennai- 600 003.

5.The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai- 600 003.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to consider and take action on the online complaint sent by the petitioner on 12.06.2020, 29.06.2020, 11.07.2020 and 15.07.2020 also direct the state government to stop all the governments functions with participating huge persons (above 20 persons) till the end of lockdown period.

For Petitioner .. Traffic Dr.K.R.Ramaswamy
Party-in-person

For Respondents .. Mr.Vijay Narayan
Advocate General
assisted by
Mr.V.Jayaprakash Narayanan,
Government Pleader

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner, who, file this writ petition, as party-in-person, seeks a writ of mandamus directing the State Government to stop all Government functions till the end of the lockdown period pursuant to the representations made. The petitioner submitted that not only the Government functions even the private functions attended by the public functionaries exceed the directives issued to control the pandemic situation.

2. Learned Advocate General appearing for the State submitted that there is no lockdown as alleged by the petitioner. The lockdown has been eased out. The Hon'ble Chief Minister attends the public functions. This includes the measures to be taken to control the pandemic situation. The writ petition filed by the petitioner himself is not maintainable since the costs as ordered by this Court on the earlier occasions in W.P.No.12431 of 2011 and W.P.No.26696 of 2014 dated 17.06.2011 and 30.09.2014 respectively was not paid and, therefore, as per the Rules framed for maintaining the public interest litigation, no future petition can be maintained.

3. The learned Advocate General further submitted that as against the petitioner, strictures have also been passed in W.P. 21621 of 2018. Of the earlier two writ petitions, special leave petition filed by the petitioner against the order passed W.P.No.21621 of 2018 was dismissed. Therefore, this writ petition will have to be dismissed.

4. We do find that the objection raised by the learned Advocate General requires to be sustained. Further, we cannot pass any order directing the State Government functionaries to do their public duties. However, we make it clear that if the State functionaries/public servants attend any private functions, certainly, the guidelines will have to be made applicable. In that eventuality, it is their primary duty to see to it that they are followed in letter and spirit.

5. With the above said observations, the writ petition stands closed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mmi/ssm
To

- 1.The Chief Secretary
Government of Tamil Nadu,
Fort St George, Chennai- 600 009.
- 2.The Secretary
Municipal administration Department,
Government of Tamil Nadu, Fort St George,
Chennai-600 009.
- 3.The Director General of Police,
Dr.Radhakrishnan Salai, Mylapore,
Chennai- 600 005.
- 4.The Commissioner
Chennai Corporation, Rippon Building,
Chennai- 600 003.
- 5.The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai- 600 003.

+1 CC to Govt. Pleader sr 26144.

सत्यमेव जयते

W.P.No.10256 of 2020

PA (CO)
SP (24/08/2020)

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