

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2020

CORAM

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

W.P.No. 12825 of 2020

L.Sambath

... Petitioner

Vs.

1.Union of India,
Rep. By its Health Secretary,
Government of Secretary,
Chief Secretariate, Goubert Avenue,
Puducherry.

2.The District Collector,
Government of Puducherry,
Office of the Collectorate,
Saram, Puducherry.

... Respondents

Petition under Article 226 of the Constitution of India
praying for a Writ of Mandamus directing the respondents to
impose strict and proper lockdown in the Union Territory of
Puducherry for at least a minimum period of 15 days to control
the spread of COVID-19 by considering the petitioner's
representation dated 24.08.2020.

For Petitioner .. Mr.R.Sreedhar
For Respondents .. Mr.D.Ravichander,
Additional Government Pleader
(Puducherry)

ORDER

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

The petitioner has filed this public interest litigation
seeking a direction to the respondents to impose strict lockdown
in the Union Territory of Puducherry for a period of 15 days in
tune with the representation made by him on 24.08.2020.

2.Heard the learned counsel appearing for the petitioner
and the learned Additional Government Pleader appearing for the
respondents.

3.Learned counsel appearing for the petitioner submitted

that the measures taken thus far have not yielded any result. Therefore, the representation of the petitioner will have to be considered by directing the respondents to impose lockdown.

4.The prayer as sought for by the petitioner cannot be granted. This Court cannot take the role of administrative authority. The pandemic situation is not restricted to Union Territory of Puducherry alone but to the entire country. Now, the lockdown has been eased out by the directives of the Central Government throughout the country. There is no restriction for travelling from one State to another. Thus, this Court cannot issue a writ of mandamus as sought for by the petitioner.

5. However, we make it clear that our order will not stand in the way of the Union Territory of Puducherry or the Central Government in taking appropriate decision keeping in view the pandemic situation. Since the petitioner has made a representation on 24.08.2020, without expressing anything on merits, we direct the first respondent to consider the same and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

6. The writ petition stands disposed of accordingly. However, we make it clear that the said decision will have to be taken by the first respondent on its own not being influenced by the above order passed in this writ petition. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Health Secretary,
Government of Puducherry,
Chief Secretariate,
Goubert Avenue, Puducherry.

2.The District Collector,
Government of Puducherry,
Office of the Collectorate,
Saram, Puducherry.

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AJS (CO)
GN(22/10/2020)