

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.No.15905 of 2020

and WMP No.19769 of 2020

P. Senthil Kumar ... Petitioner

vs

1. The Principal Secretary to Government,
Home Department,
Secretariat,
Chennai - 600 009.

2. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009

3. The Director General of Police,
Mylapore, Chennai - 600 004

4. Dr.L. Murugan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the official respondents 1 to 3 to consider the petitioner's representation dated 31.10.2020 and restrain respondent No.4, his organisation or their men, from conducting the proposed "Vel Yatra" rally from Thiruthani to Thiruchendur from 6th November 2020 to 6th December 2020, in the interest of general public during the Covid-19 pandemic situation.

For Petitioner

: Mr.Stalin Abimanyu for
Mr.T.R.Udayakumar

For R.1 to R.3

: Mr.Vijay Narayan
Advocate General
Assisted by
Mr.V.Jayaprakash Narayanan
State Government Pleader

For R.4

: Mr.V.Raghavachari for
Mr.Rabu Manohar

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard learned counsel for the petitioner.

2.This Public Interest Litigation has been filed praying to consider the petitioner's representation dated 31.10.2020 for restraining the fourth respondent and his organisation from conducting the proposed "Yatra" (rally) from Thiruthani to Thiruchendur from 6th November 2020 to 6th December 2020, keeping in view the pandemic situation, which is not yet come to an end.

3. Respondent No.4 is represented by Mr.V.Raghavachari, who opposes the petition and he contends that it is a premature petition more so, when the authorities have not taken any decision in terms of the Government Orders that are applicable to the controversy. He submits that once there is an order, he can always question its validity, but, there cannot be preemptive injunction from this Court and hence the writ petition deserves to be dismissed.

4. Learned Advocate General and learned Additional Advocate General have advanced their submissions on behalf of the State and have brought to our notice G.O.Ms.No.613 Revenue and Disaster Management (D.M.IV) Department dated 31.10.2020. The fourth respondent has approached the authorities earlier, but after issuance of G.O.Ms.No.613 dated 31.10.2020, he has again made a representation dated 02.11.2020. It is therefore clear that the matter is still pending consideration before the authorities to assess the impact of the Government Orders that are applicable to the controversy.

5. We are not entering into the merits of the claim of either of the parties and it shall be open to the State Government or the competent authority to pass appropriate orders on the representation so filed and in the event any party is aggrieved by any such order, it will be open to the aggrieved party to approach the appropriate forum.

6. The writ petition is disposed of with the above said observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Sr.No.

To

1. The Principal Secretary to Government,
Home Department,
Secretariat,
Chennai - 600 009.
2. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009
3. The Director General of Poice,
Mylapore, Chennai - 600 004

+1 cc to M/s.T.R.Udayakumar, Advocate Sr.No. 35795
+1 cc to The Government Pleader, Sr.No. 35902

LN (CO)
RMP (29/12/2020)

W.P.No15905 of 2020

सत्यमेव जयते

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