

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.10715 of 2021
and W.M.P. (MD) No.8338 of 2021

K.K.Ramesh .. Petitioner
Vs.

- 1.The Union of India,
Rep. by its Home Secretary,
Ministry of Home Affairs,
North Block, New Delhi 110 001.
- 2.The State of Tamil Nadu,
Rep. by its Principal Secretary to
Chief Minister, Chief Minister Office,
Secretariat, Chennai 600 009. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the 2nd respondent impugned order S.K.No.08 dated 08.05.2021 that in Para 20, quash the same and direct the 2nd respondent to re-open the operation of bus services in non-affected Covid-19 virus Districts.

For Petitioner : Mr.K.K.Ramesh
Party-in-person

For Respondents : Mr.P.Muthukumar
Counsel for State for R-2

ORDER

(Made by the Hon'ble Chief Justice)

The petitioner seeks a direction on the State Government to commence regular bus services in certain areas.

2. In the light of the second surge affecting different areas of the State in unlike manner, even as the lockdown has been eased in certain parts of the State, restrictions have been continued in other parts where the number of persons affected are considerable or in areas where the State perceives the risk of the spread of the pandemic to be more severe or likely. A considered decision has been taken by the State to reopen public transport systems, including suburban railway, the metro railway and long distance and intracity bus services; but with restrictions as to the number of passengers that each coach may carry.

3. There is no doubt that upon the situation in the other districts improving, the restrictions now in place will be gradually eased. Such matter is best left to the executive for the State to obtain relevant data and expert advice before imposing restrictions or easing them. There does not appear to be any arbitrary action on the part of the State for the Court to interfere in the matter.

4. As has been repeated almost ad nauseam by this Court that baby steps need to be taken to return to normalcy and it is better to err on the side of caution than to open up everything and be caught unawares as the country was when the second surge descended on us.

5. W.P. (MD) No.10715 of 2021 is disposed of by requesting the State to consider all aspects, including the difficulties faced by ordinary citizens, as to what extent any restrictions should remain anywhere in the State, particularly pertaining to bus services and the number of persons allowed in each bus.

There will be no order as to costs. Consequently, W.M.P. (MD) No.8338 of 2021 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To:

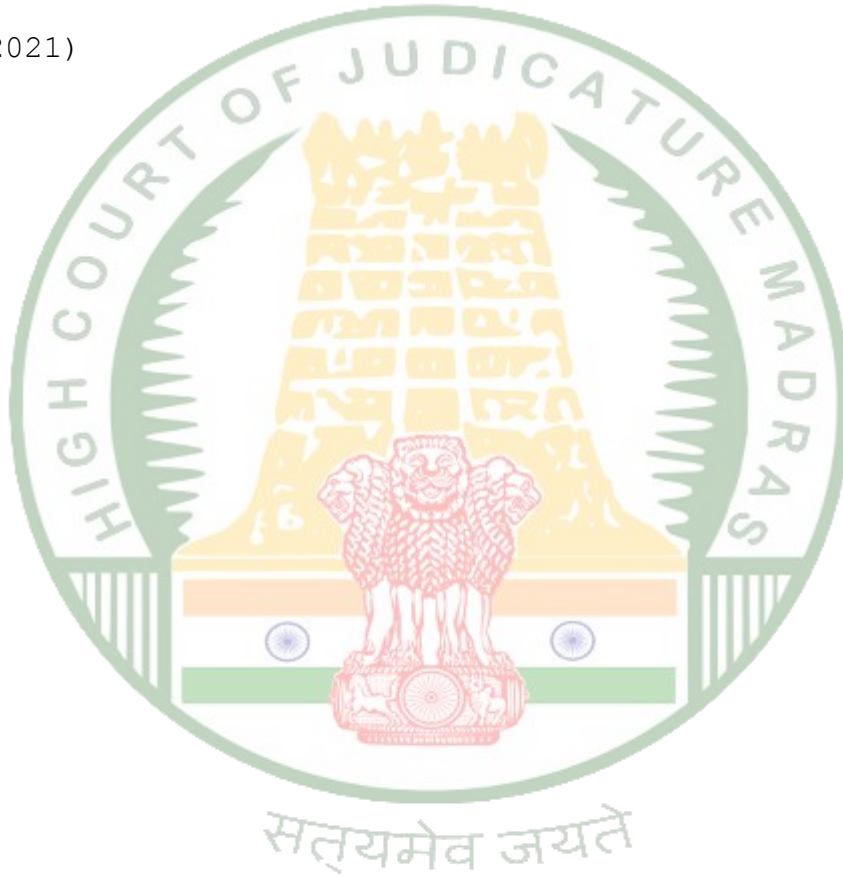
1.The Home Secretary to Union of India,
Ministry of Home Affairs,
North Block, New Delhi 110 001.

2.The Principal Secretary to
Chief Minister of State of Tamil Nadu,
Chief Minister Office,
Secretariat, Chennai 600 009.

+1cc to M/S. Government Pleader, SR.No. 30838

W.P. (MD) No.10715 of 2021

SSN (CO)
GN (13/07/2021)



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