



WEB COPY

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.10720 of 2021

Hindu Dharma Parishad,
rep. By K.K.Ramesh,
Managing Trustee

.. Petitioner

Vs.

1.The Union of India,
rep. By its Home Secretary,
Ministry of Home Affairs,
North Block, New Delhi 110001

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 14 quash the same and direct the second respondent as per the order of 1st respondent No.40-3/2020 DM-I(A) dated 30.05.2020 to reopen the religious places in non-affected Covid virus districts.

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

For Respondents : Mr.P.Muthukumar,
Counsel for State,
for second respondent

ORDER

(Made by the Hon'ble Chief Justice)

This matter is similar to a petition disposed of earlier today pertaining to bus services and the restricted operation thereof in certain parts of the State.



2. For the reasons more fully indicated in the earlier writ petition, W.P.(MD) No.10715 of 2021, no interference is called for on the part of the Court.

3. The petitioner seeks the reopening of temples all over the State. The right to practice religion is certainly subservient to the right to life and when the right to life is threatened, the right to practice religion can take a backseat. There is no doubt that the State has obtained expert advice and considered relevant factors, including the crowding that occurs at religious places, in continuing the restrictions in areas which were more severely affected by the second surge in the pandemic and where the number of positive cases have not come down as much as in other parts of the State.

4. Ordinarily, even a constitutional Court will not interfere in such matters, since it may not possess the expertise in deciding what is appropriate and unless it finds the executive action in such regard being utterly arbitrary and completely without basis.

5. W.P.(MD) No.10720 of 2021 is disposed of. There will be no order as to costs. Consequently, W.M.P.(MD) No.8340 of 2021 is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

TAR

To:

1. The Home Secretary,
Ministry of Home Affairs,
North Block, New Delhi 110001
2. The Principal Secretary to Chief Minister,
Chief Minister Office,
Secretariat, Chennai 600 009.

+1cc to the Government Pleader, S.R.No.30837

W.P.(MD) No.10720 of 2021

GSM(CO)
BE(16/07/2021)