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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.14893 of 2021

S.Gopalakrishnan

.. Petitioner

Vs

1 The Chief Secretary to Government
Fort St George
Chennai - 600 009.

2 The District Collector
Coimbatore District
Coimbatore.

3 The Commissioner
Corporation of Coimbatore
Coimbatore.

4 The Joint Commissioner
H.R. and C.E. Department
Dr.Balasundaram Road
Coimbatore - 641 018.

5 Payya R.Krishnan
District Secretary
Coimbatore Urban (West)
Dravida Munnetra Kazhagam
Old No.22, New No.52, Pillaiyar Kovil Street,
Kallapatti
Coimbatore-641 048.

.. Respondents

PRAYER:

Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing respondents 1 to 4 herein to forbear the 5th respondent herein from presiding over or participating in the Government functions of Government of Tamil Nadu and pass such further or other orders.



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For Petitioner : Mr.R.K.Ramaiah

For Respondents : Mr.P.Muthukumar
Counsel for the State
for respondents 1, 2 and 4

: Mr.K.Mahesh
Standing Counsel
for 3rd respondent

ORDER

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

The petitioner has a huge axe to grind against the fifth respondent and says that the fifth respondent's participation in government functions may be completely inappropriate.

2. The fifth respondent is the District Secretary of the ruling DMK party in Coimbatore. The affidavit accompanying the petition refers to the fifth respondent participating in programmes where relief material have been distributed to Covid victims.

3. Ordinarily, party functionaries have no role to play in government programmes. However, there cannot be any impediment to a party functionary being invited to a particular programme and a government functionary or official requesting the party functionary to share in the distribution of material. These are minor matters that are left to the discretion and the taste of the individuals concerned, where the issuance of a mandamus may neither be effective nor is desirable.

4. W.P.No.14893 of 2021 is disposed of without any effective order. There will be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To:

1 The Chief Secretary to Government
Fort St George, Chennai - 600 009.



2 The District Collector
Coimbatore District
Coimbatore.

3 The Commissioner
Corporation of Coimbatore
Coimbatore.

4 The Joint Commissioner
H.R. and C.E. Department
Dr.Balasundaram Road
Coimbatore - 641 018.

+1cc to Mr.Ramaih, Advocate, S.R.No.34770

+1cc to Mr.Magesh, Advocate, S.R.No.34421

+1cc to the Government Pleader, S.R.No.34930

W.P.No.14893 of 2021

MG(CO)
BE(27/07/2021)