



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.17921 OF 2021

and

W.P.NO.19132 OF 2021

D.Devasahayam

...Petitioner

Vs

- 1 Union of India
Rep by its Secretary
Ministry of Home Affairs, North Block,
New Delhi-1
- 2 State of Tamil Nadu
Rep by its Secretary to Government, Revenue
and Disaster Management Department,
Fort St. George, Chennai-9
- 3 The District Collector,
Kanniyakumari District at Nagercoil
Kanniyakumari District.
- 4 The Bishop
CSI Kanniyakumari Diocese
71-A Dennis street
Nagercoil-629001.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd respondent to enforce the lock down guidelines and to defer the religious election gathering of 4th respondent during lock down period based on petitioner's representation dated 13.8.2021.

For the Petitioner : Mr.T.A.Ebenezer

For the Respondents : Mr.P.Muthukumar,
Counsel for State,
for RR-2 and 3.



ORDER

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

The petitioner appears to be interested in the democratic process of election to a particular religious forum not being conducted. The petitioner refers to the lockdown rules in place.

2. Thankfully, the third surge of the pandemic has not set in. Though there is no acceptable expert view as to when the third wave of the pandemic may strike, or to what extent, the lockdown initially imposed in the State has since been relaxed considerably.

3. There is no doubt that if the elections are conducted and there are lockdown rules in place, such rules have to be adhered to and the Covid protocol has to be maintained without exception. However, subject to the rules being followed and Covid protocol being maintained, there does not appear to be any impediment to the election being held.

W.P.No.17921 of 2021 is dismissed. There will be no order as to costs. Consequently, W.M.P.No.19132 of 2021 is closed.

s/d
Assistant Registrar(CS IV)

True Copy

Sub-Assistant Registrar

sra
To:

- 1 The Secretary to Union of India
Ministry of Home Affairs, North Block,
New Delhi-1
- 2 The Secretary to Government of Tamil Nadu
Revenue and Disaster Management Department,
Fort St. George, Chennai-9
- 3 The District Collector,
Kannyakumari District at Nagercoil
Kannyakumari District.

+1cc to Government Pleader, SR.No.42988
+2ccs to Mr.A.R.Sakthivel, Advocate, SR.No.42455(29/09/2021)
W.P.No.17921 of 2021

KSM(CO)
PM(02/09/2021)