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Cont.P.(MD) No.770 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

Cont.P.(MD) No.770 of 2021

in W.P. (MD) No.13851 of 2020

K.K.Ramesh

... Petitioner/Petitioner

Vs

- 1.Shri. Ajay Bhalla,
Home Secretary,
Union of India,
Ministry of Home Affairs,
North Block, New Delhi -110 001.
- 2.Shri.Rajesh Bhushan,
Secretary,
Union of India,
Ministry of Health and Family Welfare,
New Delhi.
- 3.Dr.Rajeev Ranjan, I.A.S.,
Chief Secretary,
The State of Tamil Nadu,
Secretariat, Chennai.
- 4.Shri.Niranjan Mardi, I.A.S.,
Home Secretary,
The State of Tamil Nadu,
Secretariat, Chennai.
- 5.Dr.J.Radhakrishnan, I.A.S.,
Rep. by Principal Secretary,
The State of Tamil Nadu,
Health and Family Welfare,
Secretariat, Chennai.

... Respondents

PRAYER: Petition under Section 11 of the Contempt of Court Act, to punish the respondent herein for his wilful disobedience of the order passed by this Hon'ble Court in W.P.(MD) No.13851 of 2020 dated 23.03.2021.

Prayer in WP(MD) . 13851/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 1st respondent to instruct the respondents to A. to impose heavy fine on the violators of social distance. B. To increase the research centers on the Covid-19 disease. C. to continue the lock down and to take action strictly on 144 Cr.p.c. D. By considering the petitioners representation dt. 02.06.2020.

For Petitioner

: Mr.K.K.Ramesh

Party-in-person

<https://hcservices.ecourts.gov.in/hcservices/>



For respondents

: Mr.Veera Kathiravan,
Senior Counsel for Government
Assisted by Mr.A.K.Manickam
Standing Counsel for Government

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O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.K.K.Ramesh, learned counsel appearing for the petitioner and Mr.Veera Kathiravan, learned Senior Counsel for State Government, assisted by Mr.A.K.Manickam, learned Standing Counsel for Government, appearing for the respondents.

2.The Contempt Petition has been filed by the petitioner/party-in- person, expressing anguish that in spite of specific directions issued by the Government invoking the power of Disaster Management Act, 2005, people are not complying with the same. They are not wearing face masks and even they are not maintaining social distance and personal hygiene.

3.It is true that the concern raised by the petitioner requires to be taken into consideration. The same cannot be done by way of a contempt petition, which has alleged disobedience of order in W.P. (MD) No.13851 of 2020, dated 23.03.2021. The said Writ Petition was disposed of by the Division Bench by observing that the guidelines should be complied with.

4.Mr.Veera Kthiravan, learned Senior Counsel for the State Government submitted that under the provision of Disaster Management Act, 2005, there is a penal provision and in case of violation, action is being initiated.

5.The concern expressed by the petitioner is to more strictly enforce the conditions imposed in the Standing Operative Procedure issued by the Government, so that it will restrain people from violating the conditions.

6.In the light of the above, we dispose of the Contempt Petition with a direction to the respondents to ensure that strict and stringent action be initiated whenever, it is found that there is violation of Standard Operating Procedure and other directions issued by the Government by considering the interest of the general public.

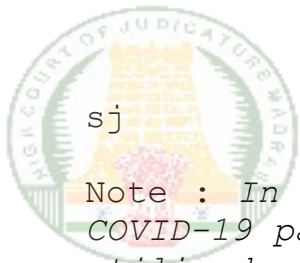
Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



sj

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Home Secretary,
Union of India,
Ministry of Home Affairs,
North Block, New Delhi -110 001.
- 2.The Secretary,
Union of India,
Ministry of Health and Family Welfare,
New Delhi.
- 3.The Chief Secretary,
The State of Tamil Nadu,
Secretariat, Chennai.
- 4.The Home Secretary,
The State of Tamil Nadu,
Secretariat, Chennai.
- 5.The Principal Secretary,
The State of Tamil Nadu,
Health and Family Welfare,
Secretariat, Chennai.

+1 CC to M/s.K.K.RAMESH, Advocate (SR-21432[F] dated 07/07/2021)
+1 CC to M/s.SPL GP (SR-21559[F] dated 07/07/2021)

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LR (16.07.2021) 3P 8C