



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.14201 of 2021

and

W.M.P(MD)No.11147 of 2021

D.Suvaiddhar

... Petitioner

Vs.

1.The Union of India,
Rep. by its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi - 1.

2.The State of Tamil Nadu,
Represented by its Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George,
Secretariat,
Chennai - 9.

3.The District Collector,
Thoothukudi District,
Thoothukudi.

4.The Commissioner,
Thoothukudi Corporation,
Thoothukudi.

5.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

6.The Bishop,
CSI Thoothukudi Nazareth Diocese,
Calwell School Campus,
Beach Road,
Thoothukudi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to enforce the lock down guidelines and to stop the religious election gathering of the sixth respondent and all 110 pastorate Chairmen under the sixth respondent during lock down period based on the petitioner's representation, dated 29.07.2021.



For Petitioner : Mr.T.A.Ebenezer
For RR 2 to 5 : Mr.P.Thilak Kumar
Standing Counsel for Government
For R - 6 : Mr.V.Lakshminarayanan
for Mr.J.Kingsly Solomon

ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of Mandamus, directing the respondents 1 to 5 to enforce the lock down guidelines and to stop the religious election gathering of the sixth respondent and all 110 pastorate Chairmen under the sixth respondent during lock down period, based on the petitioner's representation, dated 29.07.2021.

2.It is the case of the petitioner that if the election is conducted on 16.08.2021 violating the Covid-19 protocol, the said act would affect not only the voters, but also the public at large.

3.Mr.V.Lakshmi Narayanan, learned counsel represented for Mr.J.Kingsly Solomon, taking notice for the sixth respondent, submitted that the sixth respondent would conduct the election on 16.08.2021 strictly following the Covid-19 protocol and there will not be any violation whatsoever on the election day.

4.Mr.P.Thilak Kumar, learned Standing Counsel for the Government taking notice for the respondents 2 to 5 submitted that since the learned counsel for the sixth respondent has given an undertaking that they would conduct the election strictly following the Covid-19 protocol without any violation, the election may be conducted in a peaceful manner following Covid-19 protocol. Further, the learned Standing counsel submitted that the fifth respondent would depute his officers to inspect the place of election on 16.08.2021 and ensure that the Covid-19 protocol is followed.

5.Since the learned Standing Counsel appearing for the respondents 2 to 5 and the learned counsel appearing for the sixth respondent submitted that they would ensure that the Covid-19 protocol is followed on the election date ie., on 16.08.2021, we do not find any reason to give any further direction to the official respondents. However, we make it clear that the sixth respondent should ensure strict compliance of the Covid-19 protocol on 16.08.2021.



6. With these observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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 Secretary,
Ministry of Home Affairs,
North Block,
New Delhi - 1.
2. The Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George,
Secretariat,
Chennai - 9.
3. The District Collector,
Thoothukudi District,
Thoothukudi.
4. The Commissioner,
Thoothukudi Corporation,
Thoothukudi.
5. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

+1 CC to M/s.GP (SR-26301[F] dated 13/08/2021)

W.P (MD) No.14201 of 2021

12.08.2021

RD(13.08.2021) 3P 7C