



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.16721 of 2021

WEB COPY

L.Saravana Pandiyan

... Petitioner

Vs.

1. The Additional Director, Department
of Civil Works and Estates (RD-28),
Defense Research and Development Organization,
'A' Wing, DRDO Bhawan,
Rajaji Marg, New Delhi - 110 011.

2. The District Collector,
District Collector Office,
Ramanthapuram - 623 503.

... Respondents

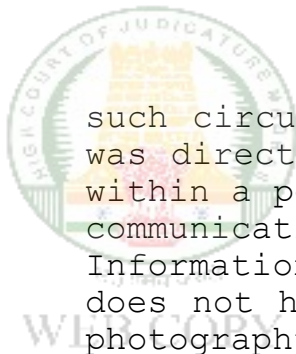
Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent District Collector herein to accord permission to peittioner's wife Tmt.Megalakumari to take professional instant photographs outside the Former President Dr.A.P.J.Abdulkalam's Memorial at Peikarumbu, Rameswaram in the light of the RTI reply furnished by the first respondent in PC-II DCWE/11/34504/1570/RM/APJ A KALAM dated 16.09.2019 and pass appropriate orders on merits and in accordance with law.

For Petitioner : Ms.A.Amala
For Respondent 2 : Mr.P.Subbaraj,
Counsel for the State

O R D E R

The writ petition has been filed in order to direct the District Collector to grant permission to the petitioner's wife to take professional instant photographs outside the memorial of former President Dr.A.P.J.Abdul Kalam at Peikarumbu, Rameswaram.

2. The petitioner states that he is a life convict undergoing imprisonment. His wife is a professional photographer. She had submitted a representation to the District Collector on 20.01.2018 seeking permission to take instant photographs at the memorial of Dr.A.P.J.Abdul Kalam. In response thereto, by communication dated 26.02.2018, she was informed that such permission should be requested for from the Defence Research and Development Organisation (DRDO), New Delhi. The petitioner filed W.P(MD).No.9273 of 2018 in



such circumstances. By order dated 25.04.2018, the first respondent was directed to consider the representation and dispose of the same within a period of six weeks. Such first respondent was the DRDO. By communication dated 16.09.2019, the DRDO informed the Public Information Officer of the Central Prison, Madurai that the DRDO does not have the jurisdiction to grant permission for professional photography outside the memorial complex. As regards photography inside the memorial complex, the DRDO informed the Public Information Officer that it is not permitted in view of security considerations.

3. Pursuant thereto, the petitioner submitted a further representation dated 01.09.2021 and has filed the present writ petition in view of the failure of the second respondent to take action thereon.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the second respondent. He submits that the second respondent may be directed to consider and dispose of the petitioner's representation on merits.

5. The communication from the DRDO makes it abundantly clear that the DRDO does not have the jurisdiction to grant permission for professional photography outside the memorial complex. The petitioner seeks to take photographs outside and not inside the memorial complex. Consequently, the ball is clearly in the second respondent's court.

6. Accordingly, the second respondent is directed to consider the petitioner's representation to take photographs from outside the memorial complex by taking into account the communication dated 16.09.2019 from the DRDO as well as the observations contained herein. Upon such consideration, the second respondent is directed to issue a reasoned order within a period of four weeks from the date of receipt of a copy of this order.

7. W.P(MD).No.16721 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

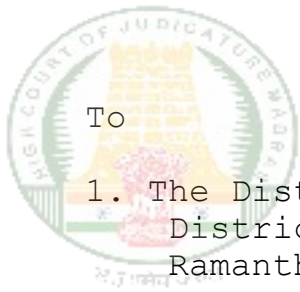
Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn



To

1. The District Collector,
District Collector Office,
Ramanthapuram - 623 503.

+1 CC to M/s.A.AMALA, Advocate (SR-29550[F] dated 20/09/2021)

+1 CC to M/s.SPL. GP (SR-29573[F] dated 20/09/2021)

W.P. (MD) No.16721 of 2021
17.09.2021

NSN (CO)
KB (27.09.2021) 3P 4C