



W.P.No.10046 of 2020

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10046 of 2020

L.K.Charles Alexander

.. Petitioner

Vs.

1. The Secretary to Government
Government of India
Ministry of Home Affairs
North Block, New Delhi 110 001.
2. The Secretary to Government
Government of India
Ministry of Information and Technology Department
North Block, New Delhi 110 001.
3. The Chief Secretary to Government
Government of Tamil Nadu
Fort St. George
Secretariat, Chennai 600 009.
4. The Secretary to Government
Government of Tamil Nadu
Ministry of Information and Technology Department
Fort St. George, Secretariat
Chennai 600 009.



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5. M/s. You Tube
Rep. by its Chief Executive Officer
Google Mumbai
FIFC, Level-7
Units 701, Plot No.C-54/55
G-Block, Bandra Kurla Complex Road
Bandra East, Mumbai
Maharashtra 400 051.
6. M/s. Twitter Communications Pvt Ltd.
Rep. by its Chief Executive Officer
C-20, G-Block, Near MCA
Bandra Kurla Complex Road
Bandra East, Mumbai
Maharashtra 400 051.
7. M/s. Face Book India Online Service Private Ltd.
Rep. by its Chief Executive Officer
Unit No.1203 & 1204, Level-12
Building No.20, Raheja Mines Space
Cyberabad, Madhapur
High Tech City, Hyderabad
Telangana State, Pin 500 081.
8. Naathigan @ Surendiran .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 1st respondent to take necessary action as against the respondents 5 to 8 and their agents and men in respect of publishing or broadcasting the about hateful speech about the "Kandha Sashti Kavacham" which in insulting the religious beliefs of Hindu Religion by considering the petitioner's rep dated 16.07.2020.



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For the Petitioner : Mr.A.Ilayaperumal

For the Respondents : Mr.K.Srinivasamurthy
Sr. Panel Counsel for
Central Government
for Respondents 1 & 2

Mr.P.Muthukumar
State Government Pleader
for Respondents 3 & 4

Mr.Tejas Karia
for Respondent-7

Unclaimed -
for Respondent 5 & 6

Not ready in notice
for Respondent-8

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.A.Ilayaperumal, learned counsel for the petitioner, Mr.K.Srinivasamurthy, learned Senior Panel Counsel for Central Government for the respondents 1 and 2, Mr.P.Muthukumar, learned State Government Pleader for the respondents 3 and 4 and Mr.Tejas Karia, learned counsel for the seventh respondent.

2. The present writ petition is filed seeking directions against



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the first respondent to take action against the respondents 5 to 8 and their agents for publishing or broadcasting the hateful speech about the Kandha Sashti Kavacham, which is insulting the beliefs of Hindu Religion.

3. A counter-affidavit is filed by the second respondent. It is stated that the Information Technology (Intermediaries Guidelines) Rules, 2011 are framed under Section 79 of the Information Technology Act, 2000. The same stipulates due diligence to be observed by an intermediary. The Rules suggesting the actions to be taken are reproduced in the counter-affidavit.

4. A status report is filed by the respondents 3 and 4. It is stated that almost 60 FIRs have been lodged throughout the State of Tamil Nadu in respect of hateful speech. In compliance of the directions of this Court, a Circular Memorandum dated 14.03.2020 has been issued to Commissioner of Police in all the cities and the Superintendent of Police in all the Districts. It has been directed to form a separate, dedicated and special Social Media Cell, which would



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be technically sound. The Cell so formed would function under the direct personal supervision of the Unit Officer. The said Cell would keep a watch on all the social media with a specific view to identify any defamatory, abusive, filthy and otherwise offensive post against any individual/institution. If the social media comes across such offensive post, immediate necessary action is directed to be taken. Also, various instructions are given to them. The State Government has also issued G.O.(Ms) No.435 dated 28.10.2020 for formation of a Special Cell in each Police Station.

5. It is submitted that Special Cells have been formed and are functioning.

6. It appears that steps have been taken by the official respondents.

7. In view of the above and the fact that the Information Technology (Intermediaries Guidelines) Rules, 2011 would take care of the eventualities, the purpose of the writ petition is served.



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Accordingly, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.12205 of 2020 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

11.10.2023

Index : Yes/No
Neutral Citation : Yes/No

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To

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