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W.P.No.20096



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20096 of 2020

D.Arumugam Thomas

... Petitioner

Vs.

1. The District Collector,
O/o, Collectorate Office,
No.62, Rajaji Salai, Singaravelan Maligai,
Chennai – 600 001.
2. The Commissioner of Police,
Greater Chennai City Commissioner Office,
E.V.R. Sampath Salai,
Vepery, Chennai – 600 007.
3. The Commissioner,
The Tamil Nadu Commission for Protection of Child Rights,
E.V.R Periyar Salai, Poonamallee High Road,
Kilpauk, Chennai – 600 010.
4. The Tahsildar,
Purasaiwalkam – Talshildar Office,
Periampet, Chennai – 600 003.
5. The Inspector of Police,
D1, Triplicane Police Station,
Triplicane, Walaja Road, Chennai – 600 005.
6. The Chief Editor,
Maalai Murasu Television,



246, Anna Salai, Thousand Lights East,
Thousand Lights, Anna Salai,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 considering the petitioner representation on 12.06.2020 and to take appropriate action against the 5th respondent intimated the petitioner and his daughter with obscene language, the 6th respondent published falsely news illegal relationship of the petitioner and daughter after that the above videos viral in social medias Whatsapp, Facebook, Youtube.

For Petitioner	: Mr.Gopinath
For R1 to R5	: Mr.P.Kumaresan, Additional Advocate General
For R5	: Mr.G.Ameedius, Government Advocate
For R6	: Mr.K.Mohana Murali

ORDER

The Writ of Mandamus has been instituted to direct the respondents 1 to 4 to consider the representation dated 20.06.2020 and to initiate action against the respondents 5 and 6 for the malicious publication of news by the 6th respondent.

2. The petitioner states that he has been devoting his life as Pastor for more than 13 years. Along with his daughter, he went out on 01.04.2020 at 09:30 p.m., to buy food. While the petitioner was travelling along with his daughter at Walaja



Road Junction, Anna Salai, Chennai, the 5th respondent / Inspector of Police stopped the petitioner and informed that Section 144 Cr.P.C. is in force and they cannot come out from the residence. The petitioner informed the police that he came out to purchase of food. Since the police found that the petitioner is giving false information and they had proposed to initiate action against the petitioner.

3. The videography produced by the learned Additional Advocate General would indicate that the petitioner was also quarrelling with the policemen and finally the police had initiated action against the petitioner for committing certain violations of the conditions imposed during 144 Cr.P.C.

4. The learned counsel for the petitioner would submit that certain statements were published by the 6th respondent, which caused dis-reputation to the family of the petitioner and therefore, the petitioner has given a representation to initiate action against the respondents 5 and 6. Since no action has been initiated, the petitioner is constrained to move the present Writ Petition.

5. This Court is of the considered opinion that the law enforcing authorities are bound to enforce the law by initiating all appropriate actions by following the procedures as contemplated. Any dutiful citizen is bound to co-operate for such



lawful action, if any initiated by the police authority. Developing unnecessary conflicts with the police authorities at no circumstances be appreciated. No doubt wrongful actions by the enforcing agencies may be questioned. However, lawful actions are to be respected. During the COVID-19 period, the police authorities were taking actions against the violators and cases were registered on identification of such violations by the citizen. Such actions cannot be construed as unlawful and illegal.

6. In the present case, admittedly the petitioner was travelling at 09:30 p.m., at Walajah Road Junction, Anna Salai, Chennai. When the police stopped the petitioner, he had started quarrelling with them by giving them one or other reasons. Since the police had doubt about the reasons and thereafter found that the petitioner came out not to purchase food, a case was registered against the petitioner for such violations. The actions of the police cannot be found to be illegal or otherwise.

7. The videography produced by the 5th respondent would be sufficient to form an opinion that the 6th respondent has published the news alone and there is no such statement disreputing the family of the petitioner has been published by the 6th respondent. The 6th respondent has provided news based on the incident



happened at Walaja Raod Junction, Anna Salai, Chennai, which cannot be construed as illegal. It is needless to state that the press also is expected to verify the contents before any such publication so as to ensure that no dis-reputation to a person or family has been made unnecessarily. Responsibility and accountability is of paramount importance while making such publication through media.

8. In the present case, this Court do not find any illegality or irregularity, while initiating actions against the petitioner by the 5th respondent police and they have acted in consonance with the procedures as contemplated. Thus, the Writ Petition stands dismissed. No costs.

18.01.2024

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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