



W.No.5008 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2026

Coram

The Hon'ble Mr.Justice Krishnan Ramasamy

W.P.No.5008 of 2022

N.Thenmozhi

...Petitioner

Vs.

1. The National Authority
Rep. By the concerned,
The National Disaster Management Authority (NDMA)
Safdarjung Enclave, NDMA Bhavan, A-1
Block, A1, Nauroji Nagar, New Delhi – 110 029.
2. The State Authority
Rep. By the concerned,
The Tamil Nadu State Disaster Management Authority (TNSDMA)
Ezhilagam, Chepauk, Chennai – 600 005.
3. The Chief Secretary,
Government of Tamil Nadu,
Secretariate, Chennai – 600 009.
4. The District Collector,
Office of the District Collector, Thiruvallur District.
5. The Tahsildar, Office of the Tahsildar, Avadi, Thiruvallur District.
6. P.Ponniah
Director of Municipal Administration,
O/o.The Commissionarate of Municipal Administration
No.78, Santhome High Road, Chennai – 600 028.



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7. A.Selvam, Tahsildar, (P.A.Election Section)
Office of the District Collector, Thiruvallur District.
...Respondents

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Prayer :-

Writ Petition filed under Article 226 of the Constitution of India seeking for an issuance of a writ of mandamus directing the second respondent to consider the petitioner's representation dated 22.12.2021 for providing necessary permission/sanction for taking appropriate and necessary legal action against the sixth and seventh respondents under the provisions of the Disaster Management Act, 2005 read with Rule 3 (f) of the Disaster Management (Notice of Alleged Offence Rules, 2007 within a time stipulated by this Court.

For Petitioner : Mr.S.Hariprasad

For Respondent-1 : Mr.V.Udayakumar CGSC
(No appearance)

For Respondents 2 to 5 : Mr.P.Ganesan, Government Advocate
For Respondents 6 & 7 : No appearance

ORDER

This Writ Petition is filed seeking for an issuance of a writ, in the nature of mandamus to the second respondent to consider the petitioner's representation dated 22.12.2021 and to provide necessary permission/sanction for taking appropriate and necessary legal action against the sixth and seventh respondents under the provisions of the Disaster



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Management Act, 2005 read with Rule 3 (f) of the Disaster Management (Notice of Alleged Offence Rules, 2007 within a time stipulated by this Court.

2. The learned counsel for the petitioner would submit that ‘Vel Tech’, which is deemed to be a University, continued its functioning as usual during Covid-19, which is in violation of the Order passed by the Government vide G.O.(Ms.) No.371 dated 08.05.2021; that though a complaint/representation has been made by the petitioner regarding such protocol violation of the Government Order to the second respondent to take appropriate legal action against the sixth and seventh respondents for having violated the Government Order, no action has been taken in furtherance of the said complaint, which necessitated the petitioner to approach this Court by way of present Writ Petition seeking for aforesaid relief.

3. The learned Government Advocate for respondents 2 to 5 would submit that even before the petitioner made such complaint, the respondents have received complaints from various Collectors seeking for taking against the Institutions, which were functioning in violation of the aforesaid



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Government Order, based on which, already enquiry/investigation has been conducted and orders have also been passed on 30.05.2021 and 22.05.2021, subsequent thereto, there was no possibility for such protocol violation as alleged by the petitioner. Thus, by averring so, the learned Government Advocate prays for the dismissal of the Writ Petition as there is no veracity in the representation made by the petitioner.

4. The submissions made by the learned counsel for the petitioner and the learned Government Advocate for respondents 2 to 5 have been duly considered and this Court also perused the materials on record.

5. It is the case of the petitioner that during Covid-19, the Government in consultation with the Medical Experts and also taking into account the suggestions of the Ministry of Home Affairs and Ministry of Health and Family Welfare, issued a Notice under Section 59 of the Disaster Management Act, 2005, vide G.O.(Ms) No.371 dated 08.05.2021, enforcing curfew from 10.00 p.m to 4.00 a.m. with many restrictions, instructing all Public/Private Sector Undertakings, particularly, Institutions not to function



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for a specific period. However, according to the petitioner, despite such restrictions, a University, called 'Vel Tech' without realizing the impending danger, continued to function and thereby committed protocol violation of the said Government Order and the petitioner despite lodging a complaint before the respondent concerned regarding such alleged protocol violation, no action has been taken by the Authorities concerned. Hence, this Writ Petition.

6. However, this Court taking into consideration of the submissions made by the learned Government Advocate for the respondents 2 to 5 that even before the petitioner made such complaint, the respondents have received complaints from various Collectors for taking action against certain Educations Institutions, which were functioning in violation of the aforesaid Government Order, pursuant to which, already enquiry/investigation has been conducted and orders have also been passed on 30.05.2021 and 22.05.2021, and therefore, there is no possibility for such protocol violation as alleged by the petitioner and that, the very complaint/representation of the petitioner itself is not true one, is of the view that no further orders are



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required to be passed in this Writ Petition. Even assuming that the representation made by the petitioner is true, due to efflux of time, the relief sought for by the petitioner cannot be granted.

7. Hence, the Writ Petition is dismissed as being devoid of merits. No costs.

02.03.2026

sd

Index : yes/no

Neutral Citation : yes/no

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Krishnan Ramasamy,J.,

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