

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-03-2020

CORAM

**THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

W.P.No.7418 of 2020

M.L.Ravi

... Petitioner

Vs.

1. Chief Secretary
Government of Tamil Nadu
Secretariat,
Fort St. George,
Chennai - 600 009.

2. Home Secretary
Government of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai - 600 009.

3. Director General of Police,
Tamil Nadu
Dr. Radhakrishnan Road,
Mylapore, Chennai - 600 004.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the 2nd and 3rd respondent to issue proper direction to not to harass / punish who venture road without deviating from the order, guidelines and Section 144 issued.

For Petitioner : Mr.T.Sivagnanasambandan

For Respondents : Mr.P.H.Arvind Pandian
Additional Advocate General

ORDER

(Order of the Court was made by Dr.VINEET KOTHARI, J)

We have taken up this writ petition for hearing through Video Conferencing in view of the lockdown announced by the State Government and the country wide lockdown announced by the Hon'ble Prime Minister in view of COVID-19 threat perception and as the usual working of the Courts is not taking place under the various circulars issued by High Court and the present Division Bench as per the assigned Roaster by the Hon'ble Chief Justice, has made arrangements for hearing of the present petition through Video Conferencing, sitting at respective residence offices and connected on "ZOOM" platform to connect to the concerned counsels or party-in-person through the technology support of Registry and Technicians.

2. We have heard Mr.T.Sivagnanasambandan, learned counsel appearing for the petitioner and Mr.P.H.Arvind Pandian, learned Additional Advocate General.

3. Mr.Arvind Pandian, learned Additional Advocate General submitted that the Police Administration is taking all possible measures and steps to enforce the

lockdown orders and Section 144 orders imposed by the Administration, so that the life of the citizens is not put to risk and not only of the persons who are coming out of their houses, despite lockdown orders, they may risk their own lives but the life of the others also including the police administration people who are on the roads, therefore the cases of alleged police excesses and non-implementation or harassment are only exceptions and may not be correct.

4. Since no specific instances of the alleged police excess has been pointed out, barring few photographs which have been annexed with the petition, the Court would not like to pass any specific direction to the State or the Police Administration in this regard, but we expect the Police Administration to adopt a Balanced and Humane approach in this matter, since the emergent situation on account of Corona or COVID-19 is a very unique kind of problem and large scale problem which the State as well as people at large have to face and therefore the Police Administration should adopt a sympathetic, balanced and humane approach towards the people.

5. **Issue Notice.** Returnable in four weeks.

6. We do not expect people to come out from their houses unnecessarily during the lockdown period, but in the cases of emergency situations like, for medical requirements or supply of essentials like food grains etc., they may approach the concerned Nodal Officers and ask for Permit and get the help from the concerned points or outlets, for which the Administration is expected to extend all necessary help. State should appoint one Nodal Officer not below the rank of Deputy Tahsildar with published Mobile and landline number at each Firka level in the State for this purpose.

7. However in case of the people coming out of their house, during this lockdown period, without a reasonable cause, the State Administration can take safety measures to prevent such exodus and the spread of such possible health hazards, not only for the people coming out but to others as well.

8. A Report in this regard about the alleged violations, cases booked and actions taken by the State Administration may be submitted to the Court, when the matter is listed again after the period of four weeks, after the Courts resume the regular working.

(V.K. J.) (R.S.K. J.)

30-03-2020

Index : Yes / No
tsvn

DR.VINEET KOTHARI, J.
AND
R.SURESH KUMAR, J.

tsvn



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