

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

H.C.P.Nos. 738 & 787 of 2020

H.C.P. NO. 738 of 2020

A.P. Suryaprakasam
S/o. A. Perumal,
C-4, Lakshmi, Lloyds Road,
Royapettah,
Chennai – 600 014.

..Petitioner

Vs.

1. Superintendent of Police,
Sangli District, Maharashtra.
2. Director General of Police,
Dr. Radhakrishnan Road,
Mylapore, Chennai – 600 004.
3. Union of India,
Represented by its Secretary,
Ministry of Home Affairs,
New Delhi.
4. Government of Tamil Nadu,
Represented by its Chief Secretary,
Secretariat, Fort St. George,
Chennai – 600 009.

(3rd and 4th respondents are suo motu impleaded
by order of Court dated 15.05.2020 by NKKJ & RHJ)

..Respondents

PRAYER: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Habeas Corpus directing the 2nd respondent to produce the bodies of Mr.Ilayaraja @ Ganesan S/o. Mariappan and 400 others who have been illegally detained by the 1st respondent at Kupwad, Sangli District, Maharashtra, before this Court to set them at liberty.

(Prayer amended as per order of this Hon'ble Court dated 12.05.2020 in HCP. No. 738 of 2020.)

For Petitioner : Mr.A.P. Suryaprakasam, Party in person

For Respondents : Ms.M.Prabhavathi,
Additional Public Prosecutor,
for R1, R2 and R4

Mr.G.Karthikeyan, ASGI, for R3

H.C.P. NO. 787 of 2020

A.P. Suryaprakasam
S/o. A. Perumal,
C-4, Lakshmi, Lloyds Road,
Royapettah,
Chennai – 600 014.

..Petitioner

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1. The Home Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.
2. The District Collector,
Collectorate,

Tiruvallur – 602 001.

3. District Superintendent of Police,
Tiruvallur, Tiruvallur – 602 001.
4. Munusamy
Pudukuppam Village (Near Vengal)
Tiruvallur District.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Habeas Corpus directing the respondent to produce the bodies of bonded labourers who have been illegally detained by the 3rd respondent before this Court to set them at liberty.

For Petitioner : Mr.A.P. Suryaprakasam, Party in person

For Respondents : Ms.M.Prabhavathi,
Additional Public Prosecutor,
for R1 to R3

COMMON ORDER

(Order of the Court was delivered by **N.KIRUBAKARAN, J**)

The matter was heard through video-conferencing.

2. This Court, while closing the above H.C.Ps. by order dated

24.06.2020, gave liberty to the petitioner to approach this Court in case of non-compliance of the order and hence, these H.C.Ps. have been listed before this Court, at the instance of the petitioner on the ground that the order dated 24.06.2020 has not been complied with.

3. Mr.A.P. Suryaprakasam, petitioner appearing as party in person would submit that the State Government has announced that ration supplies would be provided only to card holders and according to the petitioner, there are lakhs of migrant labourers, who are without ration cards and they will be put to unnecessary trouble. He has also brought to the notice of this Court that the Government of West Bengal has announced that even migrant labourers, who are without ration cards would be provided with ration materials.

4. Moreover, both the Central and the State Government have not answered the queries raised by this Court by order dated 15.05.2020. That apart, the Honourable Apex Court in the *suo motu* W.P.(C).No.6 of 2020 “IN RE : PROBLEMS AND MISERIES OF MIGRANT LABOURERS” by order dated 09.06.2020 gave liberty to the respective High Courts to proceed with the case of Migrant Labourers which were already pending. The relevant portion of the order reads as follows.

“25.It has also been brought before us that various High Courts

have also taken notice of cases of migrant labourers, High Courts being constitutional Courts are well within their jurisdiction to take cognizance of violation of fundamental rights of migrant workers and we have no doubt that those proceedings shall proceed after considering all aspects including the response of concerned authorities.”

The aforesaid order has not been brought to the notice of this Court while closing the Habeas Corpus Petitions. Hence, **HCP. Nos. 738 & 787 of 2020 are revived.**

5. Considering the plight of migrant labourers who are without food, as per the statement of the petitioner, the State Government is directed to provide ration supplies to migrant labourers after satisfying that they are really migrant labourers irrespective of whether they have ration cards or not.

6. Further, the petitioner Mr.A.P. Suryaprakasam has also drawn the attention of this Court to the incident of pregnant wife of a migrant labourer, who developed labour pain, was denied admission in Government as well Private Hospitals for want of corona free certificate. This had led to the unfortunate situation of the lady delivering the baby in the autorickshaw itself and the new born child had fallen from the autorickshaw and sustained injuries

immediately after its birth. It is really unfortunate that such a treatment had been meted out to a new born baby. Merely because the parents are migrant labourers necessary medical facilities cannot be denied to them. Though the details of the said migrant labourer have not been provided by the petitioner, he would state that the incident had happened at Thudiyalur in Coimbatore District and it was also telecast in a news channel. Based on the said information, the authorities concerned shall verify, trace out the migrant labourer's family and provide all necessary medical assistance.

7. As regards the issue raised in HCP.No.787 of 2020, the learned Additional Public Prosecutor seeks time to get instructions as to what is the action taken against the brick kiln owner who is said to have caused injuries to the migrant labourers.

Post on 13.07.2020 for answering the queries and for filing counter affidavit.

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(N.K.K.,J)

(V.M.V.,J)

09.07.2020

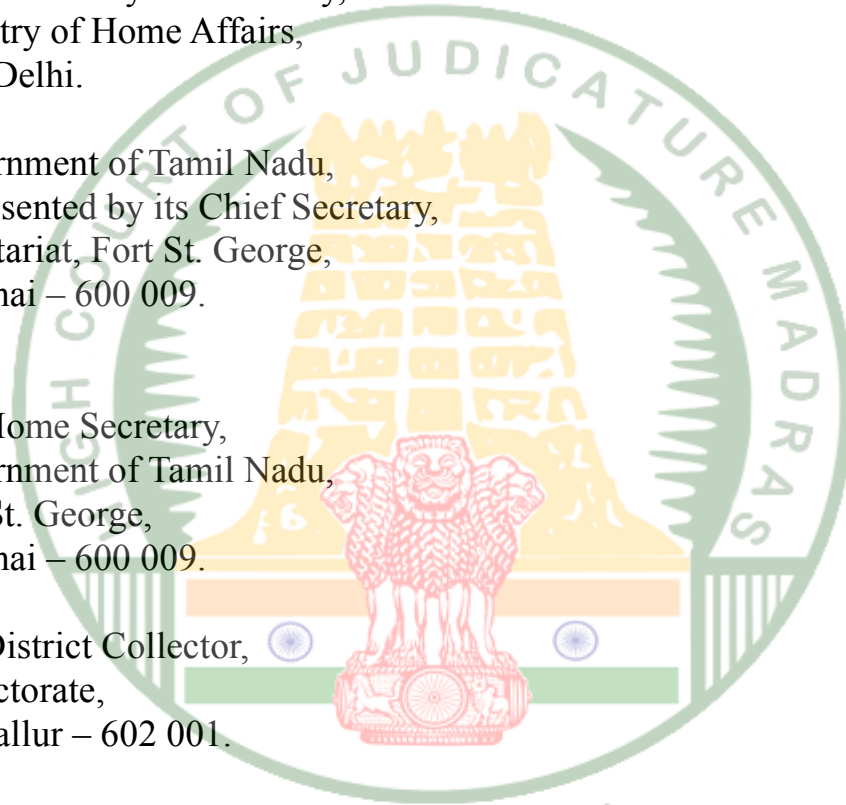
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Note: Issue order copy today (09.07.2020)

To

<http://www.judis.nic.in>

1. Superintendent of Police,
Sangli District, Maharashtra.
2. Director General of Police,
Dr. Radhakrishnan Road,
Mylapore, Chennai – 600 004.
3. Union of India,
Represented by its Secretary,
Ministry of Home Affairs,
New Delhi.
4. Government of Tamil Nadu,
Represented by its Chief Secretary,
Secretariat, Fort St. George,
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5. The Home Secretary,
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6. The District Collector,
Collectorate,
Tiruvallur – 602 001.
7. District Superintendent of Police,
Tiruvallur, Tiruvallur – 602 001.
8. The Public Prosecutor,
High Court, Madras.



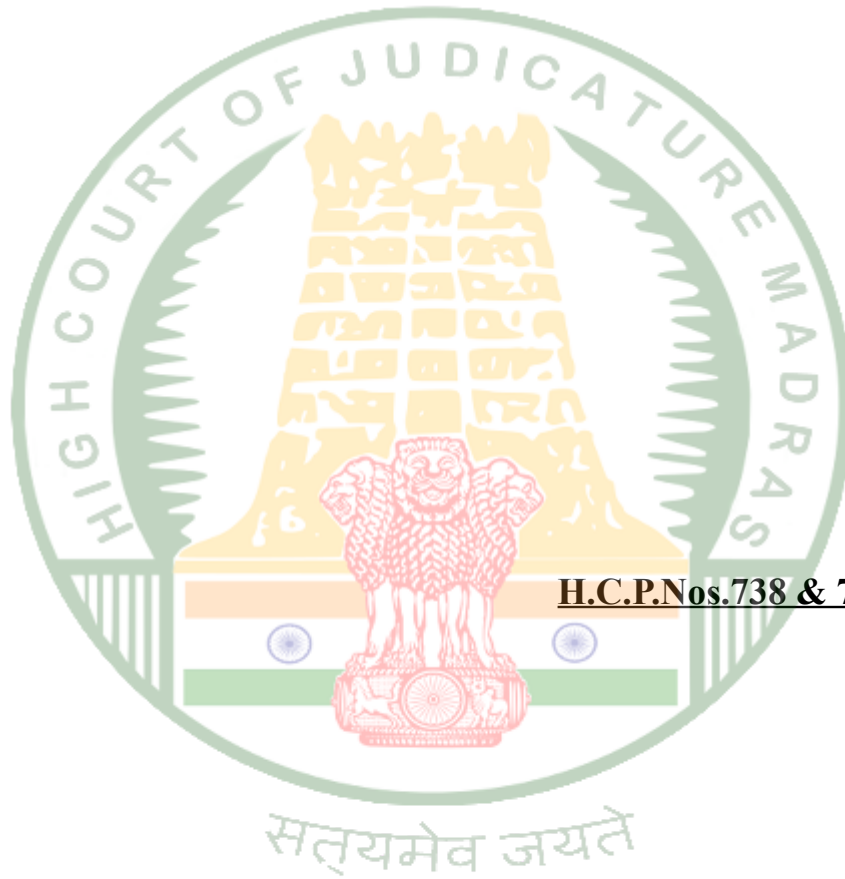
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N.KIRUBAKARAN, J.

and

V.M. VELUMANI, J.

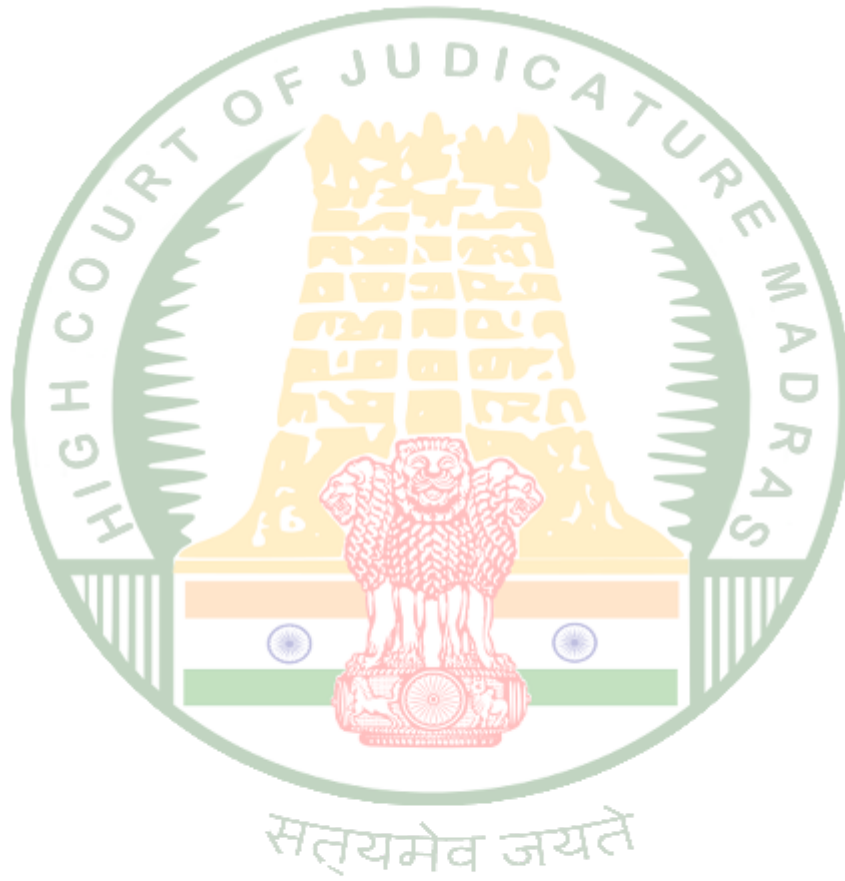
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Dated : 09.07.2020



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