

W.P.No.12042 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.05.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12042 of 2021
and W.M.P.No.12811 of 2021

Devaraj

.. Petitioner

Vs.

- 1 The State of Tamil Nadu
Rep. by the Chief Secretary to Government
Secretariat, Fort St. George
Chennai 600 009.
- 2 The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai 600 009.
- 3 The Additional Chief Secretary to Government
Co-operation, Food and Consumer
Protection Department
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai 600 009.
- 4 The Principal Secretary to Government
Health and Family Welfare Department
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai 600 009.

- 5 The Director General of Police
Post Box No.601, Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004.
- 6 Tamil Nadu Civil Supplies Corporation
Rep. by its Managing Director
No.12, Thambusamy Road
Kilpauk, Chennai 600 010.
- 7 Dravida Munnetra Kazhagam (DMK Party)
Represented by its General Secretary
No.369, Anna Arivalayam
Anna Salai, Teynampet
Chennai 600 018. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st to 6th Respondents to implement the Covid-19 relief Schemes, including monetary relief under G.O.Ms.No.37, Co-operation, Food and Consumer Protection Department dated 07.05.2021 and distribution of groceries on Thiru.Kalaignar Karunanidhis birthday, through direct / bank transfer and door-door transfer to the beneficiaries to the extent possible and without any kind of involvement or participation of the 7th Respondent, its Party men or any of its alliance partners and further forbear the 7th Respondent its party men or alliance partners from printing any advertising material in relation to the same.

For Petitioner : Mr.V.Lakshminarayanan
For Mr.Adithya Reddy

For Respondents 1 to 6 : Mr.R.Shunmugasundaram
Advocate-General
Assisted by
Mrs.A.Srijayanthi
Special Govt. Pleader

ORDER

(Made by the Hon'ble Chief Justice)

Two things have been pointed out on behalf of the petitioner: that while distributing relief, there should not be any promotion of any political party since the relief is being granted by the State of Tamil Nadu; and, Covid protocol should be maintained at all times.

2. The petitioner points out that it was the political party which has now come to power which had objected in January, 2021 to Pongal gifts being doled out by the State Government in packages bearing the symbol of the political party then in power. The petitioner refers to several photographs, copies whereof have been appended to the petition, to indicate that there is a political flavour in the relief packages being distributed to distressed citizens even now.

3. Of the several photographs that have been relied upon by the petitioner, there is one that shows the photograph of the Chief Minister of the State in course of relief being distributed inside a ration shop. There is also another photograph pertaining to the distribution of relief material at Anna Nagar, where the rising sun symbol of the ruling political party is displayed.

4. Learned Advocate-General has taken notice on behalf of the State and the official respondents and says that the situation now is quite different from what it was in January, 2021 when the election was in the offing and the orders passed by the Court clearly indicated that the grant of State largesse should not take any political colour or be used as a campaign to garner votes. Learned Advocate-General submits that since no elections are now due, the present scenario cannot be compared to what happened during the distribution of Pongal relief or gifts.

5. There has always to be a distinction drawn between the government of the day and the political personnel who may form such government. At the time of relief or largesse being distributed by or on behalf of the Government, it is the Government and only the Government that ought to be projected and not the political party which forms the government. While there may be little room to object to the portrait of the Chief Minister being displayed, since the Chief Minister heads the elected government, the symbol of the ruling party should not be used at any of the distribution centres.

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6. At any rate, it is submitted on behalf of the State that more than 90% of the relief has already been made over to the appropriate persons. For the remainder, the personnel involved in distributing the relief packages or the like should refrain from giving any political colour to the functions. More importantly, Covid protocol has to be maintained at all times, including the distancing norm. In all the photographs that have been relied upon by the petitioner, it is evident that there is crowding and people falling over each other to be in the photo-frame, so to say. This must be avoided at all cost, particularly since the State is facing the worst case scenario in the second surge and there is no knowing when the pandemic would subside.

7. W.P.No.12042 of 2021 is disposed of with the above observations and in the hope that the spirit of the order is appropriately understood. There will be no order as to costs. As a consequence, WMP No.12811 of 2021 is closed.

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(S.B., CJ.)

(S.K.R., J.)

24.05.2021

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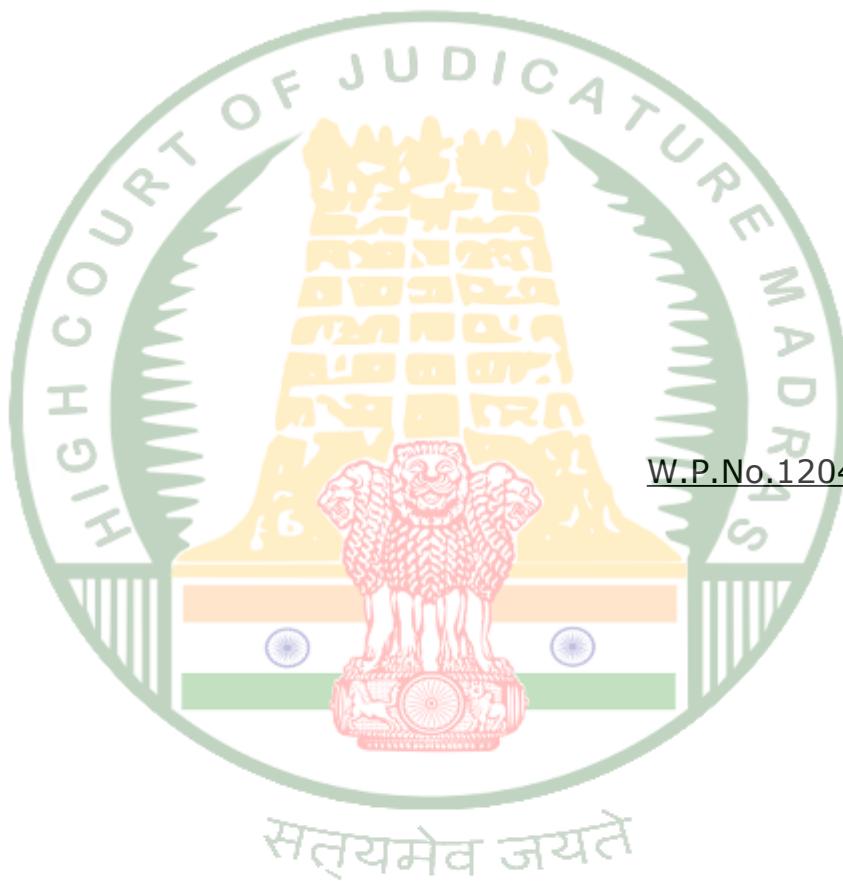
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To

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