

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2020

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THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE Mr.JUSTICE M.NIRMAL KUMAR

W.P.Nos.7500 & 7504 of 2020

1.Hindu Munnani,
Rep by its state secretary,
K.Kuttalanathan
Son of Kanthimathinathan,
No:59, Iyya Mudali street,
Chintadripet,
Chennai – 600 002. Petitioner in W.P.No.7500 of 2020

2.R.Satishkumar Petitioner in W.P.No.7504 of 2020

Versus

1.The State of Tamil Nadu
Rep.by its Chief Secretary to Government
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Secretary to Government
Health and Family Welfare Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.

3. The Secretary to Government
Revenue and Disaster Management Department
Government of Tamil Nadu Secretariat,
Fort St. George Chennai - 600 009.
4. The Director General of Police,
office of the Director General of Police
Dr. Radhakrishnan Salai,
Mylapore Chennai - 600 004.
5. The Director,
Information and Public Relations Department
Secretariat, Fort St. George,
Chennai - 600 009.
6. The Additional chief secretary to government,
Co-operation, food & consumer protection Department,
Secretariat, Fort St. George,
Chennai - 600 009.
7. The Principal secretary to government,
Backward Classes, Most Backward Classes
and Minorities Welfare Department
Secretariat, Fort St. George,
Chennai - 600 009. ... Respondents in CrI.O.P.No.7500 of 2020
8. The Chief Secretary to Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.
9. The Secretary to Government of Tamil Nadu,
Department of Home, Govt of Tamil Nadu,
Fort St. George,
Chennai-600 009.

10.The Secretary to Government of Tamil Nadu,
Department of Food & Civil Supplies, Govt of Tamil Nadu,
Fort St.George,
Chennai-600 009.

... Respondents in Crl.O.P.No.7504 of 2020

Prayer in W.P.No.7500 of 2020:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of certiorarified Mandamus calling for the records of the 1st Respondent pertaining to the press release No.274 dated 16.04.2020 published by the 5th Respondent and quash the same, and consequently direct the Respondents to grant a food items i.e. rice, etc to the poor without any discrimination in the nature welfare measures to the entire state and so forth to the needy within the State of Tamil Nadu during the lockdown period due to COVID-19. and pass such further or other orders and may deem fit and proper in the circumstances of the above case and thus render justice.

Prayer in W.P.No.7504 of 2020:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents above named to extend the distribution of free raw rice and other essential supplies during the month of Ramzan to all the citizens of the State of Tamil Nadu holding valid rations cards irrespective of their religion.

For Petitioner : Mr.T.Annamalai
in W.P.No.7500 of 2020

: Mr.A.Venkatesh Kumar
in W.P.No.7504 of 2020

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader

COMMON ORDER

This Writ Petition is filed by an organization namely,“Hindu Munnani”, represented by its State Secretary, who is a resident of No.59, Iyya Mudali Street, Chinthadripet, Chennai-2, stating among other things that the sole respondent, sought to distribute rice through masks for preparation of gruel in the holy month of Ramzan and came forward with the prayer to quash the impugned notification and with a further prayer to extend the same benefits to poor and needy/people belonging to below poverty line.

2.The learned counsel appearing for the petitioner, on instructions, would submit that it is suffice to direct the respondents to consider and dispose of the petitioner’s representation on merits, in accordance with law.

3.When this Court put a specific query to the learned counsel appearing for the petitioner as the organization namely,“Hindu Munnani” is a registered organization, the learned counsel appearing for the petitioner is

unable to give any answer. It is not even stated in the affidavit that the petitioner organization is a registered organization and no certificate of registration is also enclosed in the typed set of documents.

4. Since the Writ Petition is styled as a Public Interest Litigation, this Court, by deleting the name of the organization, would take it that the Writ Petition has been filed by the individual, who said to be the Secretary of the said organization.

5. In the considered opinion of the Court, a part of the prayer sought for by the petitioner to quash the impugned notification, is unsustainable, for the following reasons.

6. In *Prafull Goradia v. Union of India* [(2011) 2 SCC 568], granting of support to Haj pilgrims, was challenged on the ground that it is in violation of Article 14 or Article 15 of the Constitution of India. The Hon'ble Supreme Court of India had taken into consideration the scope of Article 27 of the Constitution of India as well as various decisions and

observed as follows:-

“..... As per the counter-affidavit, the Government was not averse to the idea of granting support to a pilgrimage conducted by any community as for example when the Government incurs some expenditure for the Kumbh or for facilitating Indian Citizens going on pilgrimage to Mansarovar, or visit temples and gurdwaras in Pakistan. Thus there is no discrimination.....”

“.....It is due to the wisdom of our Founding Fathers that the Constitution of India is secular and caters to the tremendous diversity. It is the greatness of our Founding Fathers that they kept a cool head during the 1947 Partition and decided to declare India a secular country instead of a Hindu country. This is why despite all its tremendous diversity the only policy which can work and provide for stability and progress is secularism and giving equal respect to all communities, sect, denominations, etc.....”

7.It appears that the petitioner's organizations is proceeding on religious lines and in the light of the above cited decision of the Hon'ble Supreme Court and the facts and circumstances of the case, the first portion of the prayer sought for by the petitioner, is liable to be rejected and

accordingly, rejected.

8.The learned counsel appearing for the petitioner in W.P.No.7504 of 2020 prays for a mandamus for extension of same benefit to the other marginalized/poor people.

9.Therefore, in both in these matters, notices through Court as well as privately to the respondents returnable by 07.05.2020. Mr.V.Jayaprakash Narayanan, learned Government Pleader accepts notice on behalf of the respondents.

(M.S.N.,J) (M.N.K.,J)
21.04.2020

Internet : Yes

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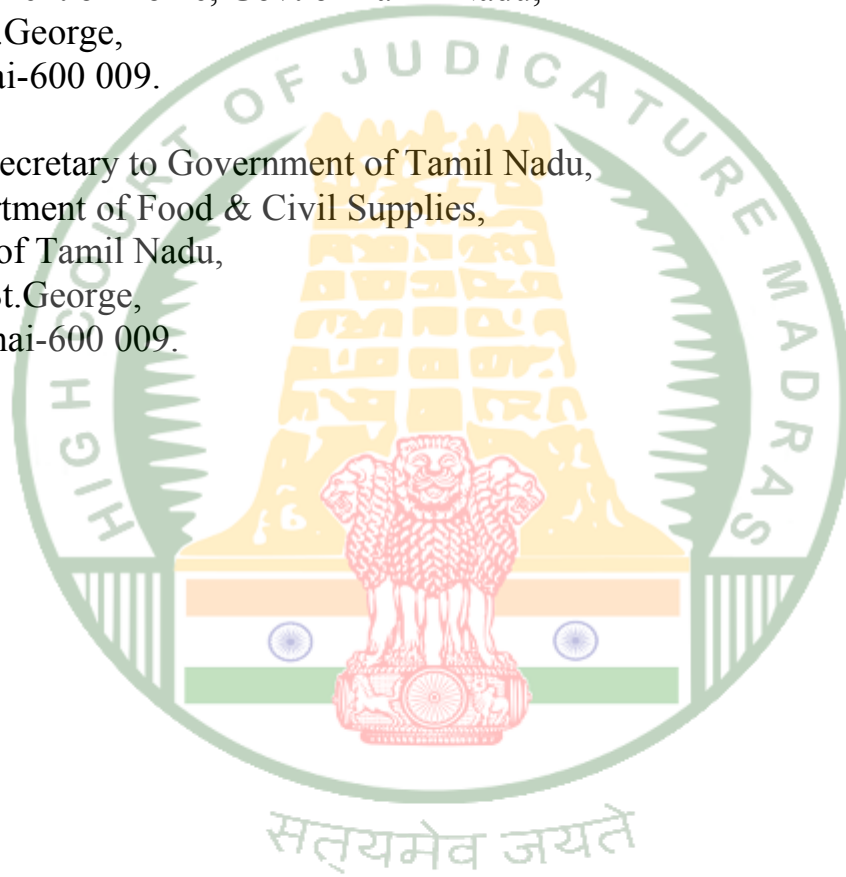
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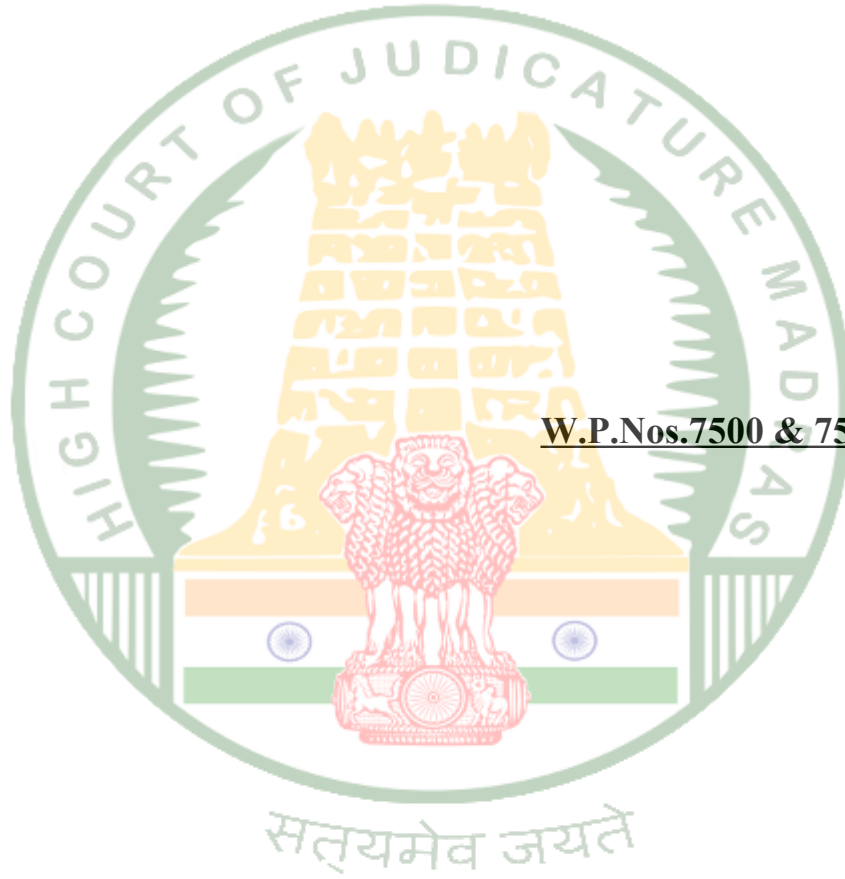
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