

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.19218 of 2021

ELA.Ganapathi

... Petitioner

Vs

1.Government of Tamil Nadu,  
rep. by its Chief Secretary,  
Secretariat, Chennai – 600 009.

2.Government of Tamil Nadu,  
rep. by its Secretary,  
Public (Law & Order (P)) Department,  
Secretariat, Chennai – 600 009.

3.The Director General of Police,  
Mylapore, Chennai – 600 004.

... Respondents

Prayer: Petition under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to quash G.O.Ms.No.765, dated 30.08.2021 of the second respondent with respect to the overall banning of installation of Vinayaka idols in public places and taking them out in procession for immersion in waterbodies or seas and consequently direct the first respondent to permit installation and procession by the public by prescribing social distancing norms for the public gathering.

For the Petitioner : Mr.N.Suriya Muthu

For the Respondents : Mr.P.Muthukumar  
State Government Pleader

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner challenges the restrictions imposed by G.O.Ms.No.765, dated August 30, 2021 issued by the State Government.

2. As noticed in a previous matter dealt with by this Bench on September 6, 2021, in view of the pandemic and the emergency provisions invoked in such regard, instructions have been issued by the Union Government to State Governments and Union Territories to ensure that appropriate measures are put in place pursuant to such guidelines.

3. The impugned notification of August 30, 2021 refers to an order dated August 21, 2020 passed by this court on a batch of petitions and the directions contained therein. The impugned

notification has been issued in compliance with the directions contained in the relevant order of this court.

4. It has been repeated by constitutional courts over the last year or so that the right to life is paramount and it is only if the person survives that his right to practice his religion is effective. Since the restrictions have been imposed in public interest and there is no certainty that the pandemic has altogether abated, the impugned notification cannot be interfered with.

5. W.P.No.19218 of 2021 is disposed of. W.M.P.No.20517 of 2021 is closed.

There will be no order as to costs.

सत्यमेव जयते

(S.B., CJ.) (P.D.A., J.)

08.09.2021

Index : No  
sasi

To:

1.The Chief Secretary,  
Government of Tamil Nadu,  
Secretariat, Chennai – 600 009.

2.The Secretary,  
Government of Tamil Nadu,  
Public (Law & Order (P)) Department,  
Secretariat, Chennai – 600 009.

3.The Director General of Police,  
Mylapore, Chennai – 600 004.

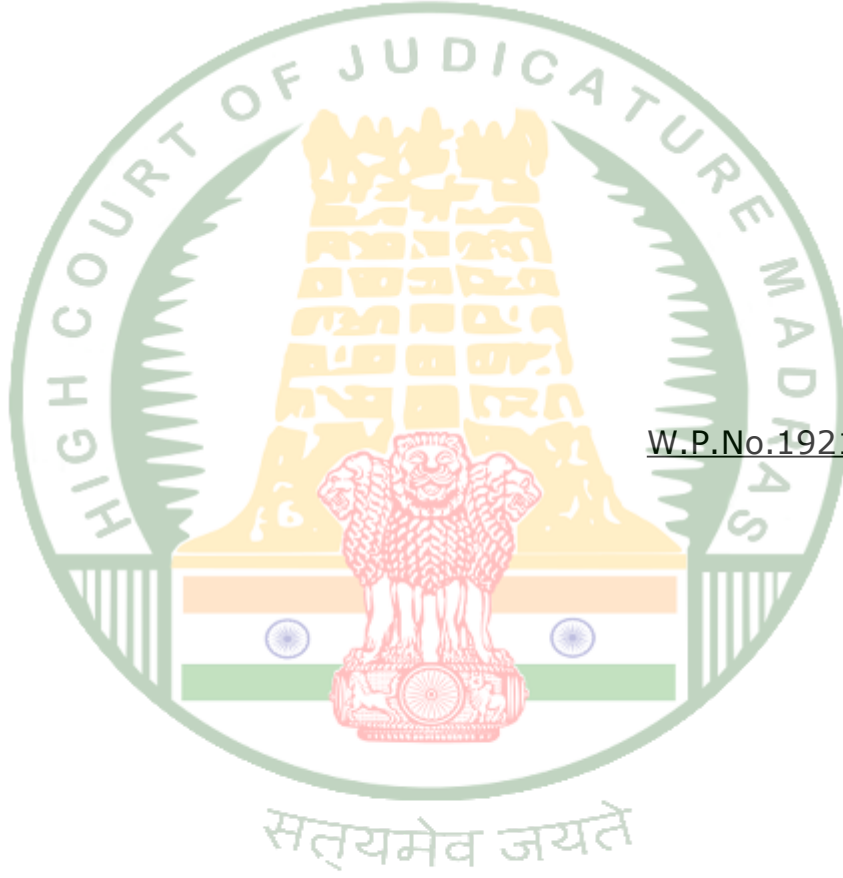


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W.P.No.19218 of 2021

THE HON'BLE CHIEF JUSTICE  
AND  
P.D.AUDIKESEVALU, J.

(sasi)



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