

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.04.2015

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.10278 of 2015-

S.Sureshkumar

... Petitioner

Versus

1.The Secretary to Tamil
Nadu Government
Housing and Urban Development
Secretariat, Chennai.

2.The Chairman
Tamil Nadu Housing Board,
Nandanam, Chennai.

3.The Managing Director
Tamil Nadu Housing Board,
Nandanam, Chennai.

4.The Superintendent of Police
Erode,

5.The Editor,
The Hindu - Tamil Edition
Anna salai, Chennai.

6.The DGM (EB) & CPIO
Office of the General Manager
Gandhiji Road, Erode 638001.

... Respondents

Petition filed under Article 226 of the Constitution of India
praying for the issue of a writ of mandamus, directing a full and
fair investigation of the scam in the Tamil Nadu Housing Board and
suicide of the Engineer by the Central Bureau of Investigation.

For Petitioner ::: Mr.Natarajan for Mr.J.Vijay

For Respondents ::: Mr.S.T.S.Murthy
Government Pleader for RR 1 and 4
Mr.V.Anandha Murthy for
RR 2 and 3.

O R D E R

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

The petitioner had filed the earlier W.P.No.860 of 2015, which was dismissed as withdrawn on 13.01.2015. The order passed by us is as under:

"The petitioner seeks to base his petition entirely on an article published in 'The Hindu' on 20.10.2013 qua land allotment by Tamil Nadu Housing Board/2nd and 3rd respondents. The petitioner claims to be perturbed by the material brought out in the newspaper about alleged scam and there have been taped conversations available with the journalist of 'The Hindu', where this article was published.

2. Learned counsel for the petitioner submits that the petitioner did make an endeavour to gather further information by addressing communication to 'The Hindu' and the authorities concerned and concedes that no application has been made under the Right to Information Act, which is a potent weapon to get information, especially when authorities, on representation, do not act.

3. We put to learned counsel for the petitioner that the petitioner having no special knowledge about the subject other than the newspaper report, entertaining the present petition would amount to doing so solely based on a newspaper report, course of action not acceptable in view of various judicial pronouncements of this Court and the Hon'ble Supreme Court.

4. After some argument, learned counsel for the petitioner states that the petitioner will endeavour to gather the relevant information through the Right to Information Act and do his homework, so as to place the same before this Court seeking intervention. We are also of the view that that is the proper course of action.

5. We, however, make it clear that the only reason we are not inclined to entertain the petition at present is on account of the fact the petitioner has no special knowledge of the subject and if there is material available with the journalist of 'The Hindu' we would expect that he would have placed the same in the relevant hands for proper investigation. The allegations purport to be against 2nd and 3rd respondents and thus, the first respondent, in any case, on his own, should call upon the relevant

information from the journalist and look into the matter, as it seeks to raise an issue of public probity of Government officials.

6. We, thus, dismiss the petition, as withdrawn, with liberty as aforesaid and observations as set out by us. No costs."

2. Thereafter, the petitioner has really taken no steps except addressed communications expecting the first respondent to take action, as he alleged.

3. He further submits that the directions of the Court are not being complied with, copy of the order having been enclosed and sent to the concerned authorities.

4. We are clearly of the view that this continuing effort is only a publicity stunt by the petitioner. The petitioner has not provided any material to assist the investigation other than to say that he had read the newspaper. We cannot permit a person to read the morning newspaper and come and file PILs without special knowledge of the subject. As to what we expect, we have already set out in paragraphs-4 and 5 of the order aforesaid.

5. Thus, we are not inclined to maintain the PIL and dismiss the same with a direction to the Registry not to entertain any further PIL from the petitioner on the subject matter. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ksr

Copy to:

1.The Secretary to Tamil Nadu Government,
Housing and Urban Development,
Secretariat, Chennai.

2.The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai.

3.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai.

4.The Superintendent of Police,
Erode,

5.The DGM (EB) & CPIO
Office of the General Manager
Gandhiji Road, Erode 638001.

6. The Editor The Hindu-Tamil Edition,
Annasalai, Chennai.

+ 1 cc to Mr.J.Vijay, Advocate SR.20107
+ 1 cc to Mr.V.Anandha Moorthy, Advocate SR.19534
+ 1 cc Government Pleader Sr.19756

GJ(CO)
EU 22.04.2015

W.P.No.10278 of 2015



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