

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.11306 of 2015
and M.P.No.1 of 2015

G.Sivagami

.. Petitioner

-vs-

1.The Chief Secretary,
Government of Tamilnadu,
Secretariat, Fort St. George,
Chennai.

2.The Collector,
Vellore District, Tamilnadu.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to frame Rules for Tamil Nadu Panchayats Act, 1994, and the Chennai Municipal Laws and the Chennai Metropolitan Area Ground Water (Regulation) Amendment Act, 2014, for regulating and management of Erection of Bore wells and management of Abandoned Bore Wells and Tube Wells.

For Petitioner : Mr.R.Rajesh Kumar

For Respondents : Mr.S.T.S.Moorthy
Govt. Pleader for RR 1 and 2

O R D E R

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

The petition has been filed by the petitioner as a Public Interest Litigation stating that she is a junior advocate and as a law student, had filed an earlier Public Interest Litigation. She claims to be grief stricken after reading a news in a daily about the untimely death of a four year old child, who fell into an abandoned borewell. The other material placed on record is, all that is in public domain and not from any personal enquiry into the facts of the case.

2.We had called upon the respondents to place their stand on record and what emerges now is that the unfortunate death of the child was a direct result of the negligence of the land owner and the child is the son of the sister of the land owner. The land owner himself opened the borewell to identify the water source and did not close it, with the result that the accident occurred. A criminal case has been registered and the land owner has been arrested and remanded to judicial custody.

3.It is, thus, obvious that if a little more enquiry had been made by the petitioner, the facts would have come to light that the death was a result of a negligence of the direct relative, who owned the property, rather than put the blame on the Government in this case.

4.The purpose of Public Interest Litigation is not to get one's name in the newspaper, but to do certain ground work and acquire expertise in the field before the jurisdiction is invoked under the P.I.L. This seems to have been completely absent in the present case.

5.In so far as the role of the Government is concerned, learned Government Pleader states that within a week, an adhoc compensation would be paid, though the liability is of the land owner and the amount would be recovered from the land owner, as the family would need succor at this time. We would say no more since the learned Government Pleader has assured that necessary action would be taken within a week.

6.Learned counsel for the petitioner has also drawn our attention to the order dated 27.08.2014 in W.P.No.27912 of 2013, wherein we had recorded the statement made on behalf of the Government that the Rules under the Tamil Nadu Panchayats Act, 1994, Chennai Municipal Laws and Chennai Metropolitan Area Ground Water (Regulation) Amendment Act, 2014 will be notified within one month from the date of the order giving wide publicity. In this behalf, in the counter-affidavit it has been stated that the Rules under the Tamil Nadu Panchayats Act, 1994, were notified on 18.02.2015. We would have expected the Government to move the Court for extension of time if the Rules were not being notified within the time assured, as has happened in the present case. Learned counsel for the petitioner submits that the Rules under the remaining two provisions have not been brought into force, while the counter-affidavit filed and affirmed on 12.06.2015 states in para 15 that all the Rules are in force. On our query, learned counsel states that the ones quoted in the counter-affidavit are only under one Act. We hardly expect such an answer, as, if the allegation was that the remaining Rules had not been brought into force, necessary enquiry in that behalf was required to be made before making an averment in the petition.

7.We, thus, close the writ petition in the aforesaid terms.
No costs. Consequently, M.P.No.1 of 2015 is also closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

sra

To

1.The Chief Secretary,
Government of Tamilnadu,
Secretariat, Fort St. George,
Chennai.

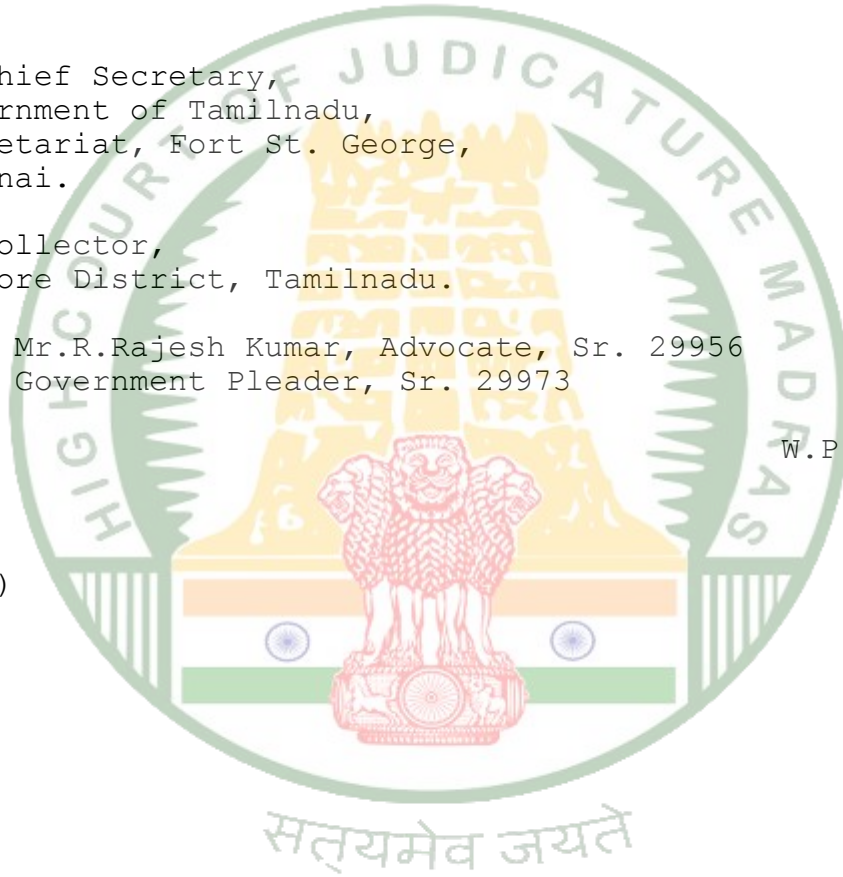
2.The Collector,
Vellore District, Tamilnadu.

1 cc to Mr.R.Rajesh Kumar, Advocate, Sr. 29956

1 cc to Government Pleader, Sr. 29973

W.P.No.11306 of 2015

BVR (CO)
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