

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.01.2015

CORAM

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

W.P.No.860 of 2015

S.Sureshkumar

.. Petitioner

-vs-

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

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

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

4.The Superintendent of Police,
Erode.

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

6.The DGM (EB) & CPIO,
O/o. The General Manager,
Gandhiji Road, Erode.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying for issue of Writ of Mandamus to direct a full and fair
investigation of the scam in the Tamil Nadu Housing Board by a
competent authority to be name by this Court.

For Petitioner : Mr.V.Raghavachari
for Mr.J.Vijay

For Respondents : Mr.S.T.S.Moorthy
Govt. Pleader for RR 1 and 4
: Mr.Kasirajan for RR2 and 3

O R D E R

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

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 communications 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 arguments, 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

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

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

4.The Superintendent of Police,
Erode.

5. The DGM (EB & CP10
O/o. The General Manager,
Gandhiji Road, erode 38

+ 1 cc to Government Pleader Sr.2272

W.P.No.860 of 2015

KGK(CO)
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