

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.6081 of 2017

A.G.Narasimhan

.. Petitioner

Vs.

- 1 The Chief Secretary
Government of Tamilnadu
Secretariat, Fort St. George
Chennai - 600 019.
- 2 The Secretary to Government
Home Department
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai - 600 019.
- 3 The Director General of Police
Tamil Nadu Police Head Quarters
Kamaraj Salai, Chennai. .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents to issue circular to all police stations for effective implementation of Tamil Nadu Subordinate Police Officer's Conduct Rules, 1964 to restrain the police officials from lending and borrowing money without obtaining prior sanction from the government and direct the third respondent to take strict action against the police officers who are violating and disobeying the Tamil Nadu Subordinate Police Officers conduct Rules, 1964 pursuant to petitioner's representation dated on 23.02.2017.

For Petitioner : Mr.E.Viswanathan

For Respondents : Mr.M.K.Subramanian
Government Pleader

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.M.K.Subramanian, learned Government Pleader takes notice for the respondents.

2. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus directing the respondents to issue circular to all police stations for effective implementation of Tamil Nadu Subordinate Police Officer's Conduct Rules, 1964 to restrain the police officials from lending and borrowing money without obtaining prior sanction from the government and direct the third respondent to take strict action against the police officers who are violating and disobeying the Tamil Nadu Subordinate Police Officers conduct Rules, 1964 pursuant to petitioner's representation dated on 23.02.2017.

3. The petitioner is a practicing advocate and he has filed this writ petition solely based on the newspaper report dated 5.1.2017. It is his case that the police officials are borrowing and lending money without obtaining prior sanction from the Government and are also conducting the illegal acts of "Katta Panchayat" and "Kangaroo Courts". The petitioner has made representation to the respondent authorities on 23.2.2017 pointing out the said aspects and stating that the Police Standing Orders and Tamil Nadu Subordinate Police Officer's Conduct Rules, 1964 should be implemented in letter and spirit. Alleging that the respondent authorities have not taken any action based on the said representation, the writ petition is filed for the relief stated supra.

4. The writ petition has been filed purely on the basis of the newspaper report. At the outset, we would like to hold that no judicial notice can possibly be taken of the newspaper reports in the absence of the maker of the statement appearing in Court and deposing to have perceived the facts reported. This principle of law has been laid down by the Supreme Court in the case of Laxmi Raj Shetty v. State of Tamil Nadu, AIR 1988 SC 1274 and has been reiterated in a catena of decisions rendered thereafter.

5. Moreover, before entertaining a public interest litigation, the Court has to be satisfied about (a) the credentials of the petitioner; (b) the prima facie correctness or nature of information given by him; (c) the information being not vague and indefinite, as held by the Supreme Court in Dattaraj Nathuji Thaware v. State of Maharashtra, (2005) 1 SCC 590

6. In the case on hand, as already observed, this Court cannot take judicial notice of the aforesaid newspaper reports and the grounds urged are certainly vague and indefinite. The petitioner has not brought to the notice of this Court any specific instance of money lending or borrowing, with documents to establish the said plea.

7. For the foregoing reasons, we do not find any justification to entertain the present writ petition.

This writ petition is dismissed. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To:

- 1 The Chief Secretary
Government of Tamilnadu
Secretariat, Fort St. George
Chennai - 600 019.
- 2 The Secretary to Government
Home Department
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai - 600 019.
- 3 The Director General of Police
Tamil Nadu Police Head Quarters
Kamaraj Salai, Chennai.

+1cc to Government Pleader sr.16309

rsk(co)
ss(23/3/2017)

W.P.No.6081 of 2017