

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 20.09.2017

Pronounced on : 26-10-2017

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBBIAH
and
THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Writ Petition No. 5225 of 2017

Dr. A.E. Chelliah
Senior Advocate
(No.2/1992.Sr.,)
No.240, Additional Law Chambers
High Court Campus
Chennai - 600 104

.. Petitioner

Versus

1. The Registrar General
High Court of Madras
Chennai - 600 104
2. The Principal Judge
City Civil and Sessions Judge
Chennai - 600 104
3. The State of Thamizh Naadu
Rep. by its Chief Secretary to Government
Fort St. George
Chennai - 600 009
4. The Director
Information and Public Relation &
Ex-Officio Joint Secretary to Government
Government of Thamizh Naadu
Fort St. George
Chennai - 600 009
5. The Managing Director
Thamizh Naadu Housing Board
Nandanam
Chennai - 600 035
6. The President
Judicial Officers Association
Thamizh Naadu
High Court
Chennai - 600 104.

.. Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for issuing a Writ to call for the records pertaining to the order of the first respondent herein through Registrar (Management) vide Official Memorandum in R.O.C. No. 4606/2017/D5 dated 22.02.2017 and quash the same by issuing a Writ of Certiorarified Mandamus directing the respondents to honour former Chief Minister of Thamizh Naadu, Dr. M.G. Ramachandran by naming the Residential Quarters for Judicial Officers at Egmore Court Complex and at Saidapet Court Complex as "Bharat Ratna Dr. M.G. Ramachandran Residential Complex for Judicial Officers" and in Thamizh "பாரத ரத்னா டாக்டர் எம்.ஜி. இராமச்சந்திரன் குடியிருப்பு, வளாகம் - நீதிபதிகளுக்காக."

For Petitioner : Dr. A.E. Chelliah
Petitioner-in-Person

For Respondents : Mr. E.K. Kumaresan for RR1 and 2
Mr. Vijay Narayan, Advocate General
Assisted by Mr. A.N. Thambidurai
Special Government Pleader for RR3 and 4

ORDER

R. SUBBIAH, J

This writ petition has been filed by the petitioner, as a Public Interest Litigation, seeking to quash the proceedings dated 22.02.2017 of the first respondent herein through the Registrar (Management) of this Court and after quashing the same, seeks for a consequential direction to name the Residential Quarters for Judicial Officers at Saidapet and Egmore Court Complex as "Bharat Ratna Dr. M.G. Ramachandran Residential Complex for Judicial Officers".

2. The petitioner herein was appointed as Chairman and Managing Director of Thamizh Naadu Housing Board, a non-official functionary being the Chief Executive for the first time in the Country and such post has been conferred on him by the former Chief Minister of the State of Tamil Nadu Dr. M.G. Ramachandran. It is the case of the petitioner that even during the year 1978, the then Chief Minister of Tamil Nadu Dr. M.G. Ramachandran had expressed his desire to accommodate the various Judges/Magistrates functioning within the City of Chennai by putting up adequate residential quarters for them. In that direction, as the petitioner was the Chairman and Managing Director of Tamil Nadu Housing Board during the relevant period, he had taken all efforts to ensure that the residential quarters are constructed swiftly. In order to fortify this submission, the petitioner placed reliance on the letter dated 17.07.1973 sent by the then Chief Minister of Tamil Nadu Dr. M.G. Ramachandran to the petitioner. The petitioner, in order to fulfil the avowed object of the then Chief Minister of the State has taken various steps and evinced keen interest for construction of Court Buildings in Saidapet and Egmore, Chennai with facilities such as drinking water,

lavatory, dining hall for the public and staff. However, after his tenure as Chairman and Managing Director of the Tamil Nadu Housing Board, none has come forward to continue the tasks initiated by him.

3. According to the petitioner, the Honourable Supreme Court, way back in the year 1982, delivered the off-quoted decision in All India Judges Association case reported in AIR 1992 SC 165 reiterating the need for construction of residential quarters for subordinate judiciary in every State Capital. However, according to the petitioner, even before the deliverance of the said Judgment by the Honourable Supreme Court, the then Chief Minister of Tamil Nadu has sown the seeds for construction of modern buildings to accommodate the Judicial Officers in the City of Chennai. While so, in the year 1993, as a measure of implementing the decision of the Honourable Supreme Court, the then Chief Minister of Tamil Nadu Dr. J. Jayalalitha sanctioned a sum of Rs.7.33 crores for putting up construction of buildings at Saidapet and Egmore, Chennai to accommodate the District Munsif/Magistrates functioning in the City of Chennai. According to the petitioner, it was the then Chief Minister Dr. M.G. Ramachandran, who had sown the seeds in the year 1978, but for which, the present Judicial Officers quarters at Egmore and Saidapet would not have become a reality and it's very existence would have been doubtful.

4. The Petitioner, by placing reliance on a newspaper report published on 18.07.1982 in one issue of Tamil Daily "Dhinamani" would contend that the newspaper report would throw much light on the amenities and facilities which lacked in the Court buildings by then and the need for construction of judicial officers residential quarters. Thus, unless the former Chief Minister had taken steps with a vision ahead to the need for construction of Judicial Officers Residential Quarters, including acquisition of the land for putting up such construction at Saidapet and Egmore, the present buildings, where the Judicial Officers are presently accommodated, would not have come up. The petitioner also relied on the invitation for the foundation stone laying ceremony for residential quarters for judicial officers, Madras on 21.02.1994, which according to the petitioner, is the reflection of the efforts taken by him. Thus, the petitioner, to bring to the notice of this Court his achievement as a Chairman cum Managing Director of the Tamil Nadu Housing Board, has relied on the newspaper report as well as the invitation dated 21.02.1994. The petitioner also placed reliance on the Foreword written by a former Judge of this Court in which the efforts made by the petitioner herein to put up the judicial officers residential quarters were lauded. The petitioner also placed reliance on the relevant portion of the Souvenir released by this Court during the Sesquicentennial Celebration in which the petitioner, in his capacity as a Senior Counsel, has dealt with the topic "Contribution to the Bench from the Bar". In Page No.255 of the said Souvenir, the petitioner has listed the various achievements he had made, as a Chairman and Managing

Director of Tamil Nadu Housing Board, which led to the existence of the present Judicial Officers Residential Quarters, both at Saidapet and Egmore in the City of Chennai.

5. The petitioner, listing out the various efforts taken by him to realise the dreams of the late. Chief Minister of Tamil Nadu to ensure that adequate residential quarters are constructed to the Judicial Officers in the City of Chennai and the steps he had taken in that direction during his tenure as Chairman and Managing Director of the Tamil Nadu Housing Board, has submitted a letter dated 12.01.2017 to the first respondent requesting to name the Judicial Officers Residential Quarters at Egmore, Chennai after the name of "Bharat Ratna Dr. M.G. Ramachandran Residential Complex for Judicial Officers" and the building at Saidapet, Chennai after the name of "Dr. J. Jayalalitha Residential Complex for Judicial Officers". Such a request made by the petitioner in his letter dated 12.01.2017 was rejected by the first respondent against which the petitioner has come forward with this writ petition.

6. The petitioner would contend that he has filed the present writ petition in the nature of a Pro Bono Publico on the ground that the contributions made by the then Chief Minister of the State Dr. M.G. Ramachandran to the judiciary is immense. According to the petitioner, it was the late Chief Minister of the State Dr. M.G. Ramachandran, who had evinced keen interest and was instrumental in construction of the residential quarters for the judicial officers in Egmore and Saidapet in the Chennai City and it is he who has evinced keen interest in the welfare of the Judiciary. Therefore, it would be quite apt to name the Judicial Officers Residential Quarters at Saidapet and Egmore in the City of Chennai as "Bharat Ratna Dr. M.G. Ramachandran Residential Complex for Judicial Officers". In order to justify his submissions to name the residential quarters after the name of the late Chief Minister, the petitioner quoted certain precedents. According to the petitioner, Honourable Mr. Justice Muthusamy Iyer, who became the first Judge of this Court was honoured, by installing his statue in the precincts of the Corridors of this Court. He also quoted Shri. Vedanayagam Pillai, who held the post of District Munsif and who had written many legal Ethics a century back, due to which he is remembered even till today. He also quoted the veteran Singaravelar, a Writer, Trade Union Leader, Philanthropist and Freedom Fighter, in whose name the building housing the Collectorate, Fast Track Courts and CBI Courts are presently functioning as "Singaravelar Maaligai" in the bustling Rajaji Road, Chennai..

7. Turning to the maintainability of the present writ petition as a Public Interest Litigation, the petitioner would contend that Article 226 of The Constitution clearly spells out that a Public Interest Petition can be filed not only by an aggrieved or injured person but such a petition can be filed for any other purpose". Therefore, according to the petitioner, the present writ petition, in the nature of a Public Interest Litigation is maintainable before this Court.

In order to buttress this submission, the learned counsel for the petitioner relied on the book authored by him titled "Dont's and Do's for the Bench and Bar and other Areas". The petitioner placed reliance on Page No.101 of the said book in which the former Chief Justice of this Court has paid encomiums on him. Further, in the book titled "How to project a case" authored by the petitioner, page Nos. 180, 183 and 185 were referred to by the petitioner to impress upon the fact that the Government has taken policy decisions to re-name the arterial Roads in the City after the name of prominent leaders.

8. The petitioner placed reliance on another book authored by him and his wife titled "Legal Ethics". By taking us to the front cover page in the book which depicts the image of "Victoria Angel" and back cover page of the book which symbolises a smaller object on the top, the petitioner would contend that the smaller object in the first cover page will rotate on the top but it failed to move. Therefore, a Public Interest Litigation was filed before Calcutta High Court and pursuant to the directions issued by the High Court, the small object started rotating again and it is duly exhibited in page Nos. 328 and 329 of the said Book.

9. The petitioner also placed reliance on the Book authored by him titled "How to Project a Case". In page No.56 of the said book, the notification by Heads of Department etc., dated 25.07.2010, published in Government Gazzette was reproduced wherein certain guidelines were given for filing a Public Interest Litigation. According to the petitioner, he has fulfilled all the norms and procedures laid down in the notification dated 25.07.2010 while filing the present writ petition in the nature of a Public Interest Litigation and therefore, the writ petition, as filed by him, is maintainable.

10. The petitioner also quoted the orders passed by this Court on 16.12.2015 in WP No. 39120 of 2015. The said writ petition was filed as a Public Interest Litigation for issuing appropriate direction to pay stipend of Rs.5,000/- per month to new entrants in the Bar and it was entertained and disposed of by this Court with a direction to the Government to consider the same in accordance with law.

11. Further reliance was made by the petitioner to the order dated 19.09.2016 passed by the Division Bench of this Court in WP No. 32681 of 2016. The said writ petition was filed as a Public Interest Litigation praying for issuing appropriate direction to the Government to observe the Birth Anniversary of Writer, Advocate and Freedom Fighter V.O. Chidambaram as "Lawyers Day" and the said writ petition was disposed of by issuing appropriate direction by the Division Bench of this Court. According to the petitioner, pursuant to the order dated 19.09.2016 passed by the Division Bench of this Court in WP No. 32681 of 2016, the Bar Council of Tamil Nadu has also passed a resolution and steps are being taken to observe Lawyers Day as prayed for by the petitioner in the said writ petition.

12. The petitioner also placed reliance on Page No.96 of the book authored by him in Tamil titled "thdtpy"; (meaning Rainbow) in which reference was made to the visit of the petitioner, along with the former Judge of this Court - Justice Nainar Sundaram to Gobichettipalayam and the consequential deliberations they had with the advocates of the local Bar to show that at the instance of the petitioner, a land was earmarked for the Judiciary for constructing the Sub-Court at Gobichettipalayam. The petitioner also placed reliance on page No.241 of the same book wherein reference was made to the conversation between the former Chief Minister Dr. M.G. Ramachandran and the petitioner herein relating to provision of air-conditioning facility to the Guest Houses constructed for accommodation of the Judges.

13. The petitioner relied on the decision rendered by the Division Bench of this Court on 07.02.2014 in the Writ Petition No. 19836 to 19840 of 2013 in which the petitioner appeared on behalf of the petitioner therein. The said writ petition was filed for issuance of a Mandamus to direct the respondents to utilise the vacant land in the front side adjacent to the South Beach Road known as "Kamarajar Saalai" commencing from the Vivekanandar Statue upto the end of the Lady Willington College Complex to erect the memorial for Ma.Ve. Singaravelar with his statue with the description both in Tamizh and English about his achievements and for other consequential relief. While disposing the batch of writ petitions on 07.02.2014 in WP Nos. 19836 to 19840 of 2013, the Division Bench of this Court directed the respondents to consider the claim of the petitioner for re-naming the complex in the name of Ma.Ve. Singaravelar within a specified time limit. As the order dated 07.02.2014 was not complied with, Contempt Petition Nos. 3427 and 342 of 2014 have been filed in WP No. 19840 and 19839 of 2013 respectively. By the order dated 17.11.2015 the Division Bench dismissed the contempt petition.

14. To reiterate and re-affirm that it is at the earnest efforts taken by the petitioner several buildings were built for accommodating the Judicial Officers in the City, the petitioner placed reliance on the letter dated 19.04.2017 written by a retired Registrar General of this Court in which he has traced the history and origin relating to the manner in which the demand and need for construction of Buildings for accommodating the Judicial Officers in the City were made during the year 1993 and the extent to which the petitioner, using his good office, as Chairman and Managing Director, has supported the cause.

15. Assailing the order dated 22.02.2017, which is impugned in this writ petition, the petitioner would contend that the first respondent has not assigned any reason for rejecting his claim. The order dated 22.02.2017 has been passed without application of mind and it is bereft of any material particulars.

16. According to the petitioner, this Court has exclusive

powers and it is within it's domain to grant the relief prayed for in this writ petition. It is his specific contention that Judicial Officers Quarters are to be used by the Judicial Officers appointed in the City of Chennai who are administratively and judicially controlled by this Court. Even though the Principal District Judge, City Civil Court, Chennai allots the Quarters as per seniority or on need-basis, it is this Court which has jurisdiction to grant the relief prayed for in this writ petition. The petitioner also brought to the notice of this Court that part of rent received for accommodating the Judicial Officers in the quarters goes to the Housing Board. The petitioner is only seeking to name the Judicial Officers Quarters and not any Court Building. The decision to name the Judicial Officers Quarters is not vested with the Government or the Government is required to take a policy decision to name the building. This Court has got the exclusive domain to grant the prayer sought for in this writ petition to name the Judicial Officers Quarters as "Bharat Ratna Dr. M.G. Ramachandran Residential Complex for Judicial Officers".

17. To demonstrate that the present writ petition filed by the petitioner as a Public Interest Litigation is maintainable, the petitioner has also placed reliance on the decision of the Honourable Supreme Court in the case of (AIIMS Students Union vs. AIIMS and others) reported in (2002) 1 Supreme Court Cases 428 wherein the Honourable Supreme Court has held as follows:-

"58.Fundamental duties, though not enforceable by a writ of the Court, yet provide a valuable guide and aid to interpretation of constitutional and legal issues. In case of doubt or choice, people's wish as manifested through Article 51-A, can serve as a guide not only for resolving the issue but also for constructing or moulding the relief to be given by the courts. Constitutional enactments of fundamental duties, if it has to have any meaning, must be used by Courts as a tool to tab, even a taboo, on State action drifting away from constitutional values."

18. Further reliance was placed on the decision of the Honourable Supreme Court in the case of (Om Prakash and others vs. State of U.P. And others) reported in (2004) 3 Supreme Court Cases 402 wherein in Para No. 38 and 39, it was held as follows:-

"38. The fundamental duties enjoined on citizens under Article 51-A should also guide the legislative and executive actions of elected or non-elected institutions and organisation of the citizens including the municipal bodies.

39. The resolution by the Municipal Board, Rishikesh to amend its bye-laws for banning public-dealing and trade of non-vegetarian food items in the municipal town of Rishikesh along with adjoining towns of Haridwar and Muni Ki Reti has been taken in deference to the religious and cultural demands of a large number of residents and pilgrims who the three

towns visit regularly and periodically on auspicious and festive days. It is stated on behalf of the Municipal Board that major source of revenue and employment in the three towns is from the continuous inflow of tourists and floating population of pilgrims. Maintenance of clean and congenial atmosphere in all religious places which are spread over all the three towns is in common interest of the residents, pilgrims and visitors. Continuous floating population of pilgrims benefit the inhabitants of the towns by providing them various sources of earning livelihood and employment. Tourists and pilgrims are the major sources of revenue for the local municipal bodies and the inhabitants of the three towns. Geographical situation and peculiar culture of the three towns justify complete restriction on trade and public dealing in non-vegetarian food items including eggs, within the municipal limits of the towns. The High Court rightly upheld it to be a reasonable restriction. Trade in all kinds of food items - vegetarian or non-vegetarian - in adjoining towns and villages outside the municipal limits of the three towns remains unrestricted and there is no substantial harm caused to those engaged in such trade.

19. According to the petitioner, in the light of the above decisions of the Honourable Supreme Court, the present writ petition filed as a public interest litigation is maintainable and he prayed for granting the relief as prayed for in the writ petition.

20. Opposing the plea of the petitioner, the learned standing counsel appearing for the first respondent would contend that the prayer sought for by the petitioner is not maintainable. The learned counsel for the first respondent quoted an identical relief prayed for by the Senior Citizens Council, Mayiladuthurai to name the combined Court building at Mayiladuthurai as "Thiru Mayuram Vedanayagam Pillai (Late)" as a token of acknowledgement of the achievements made by the veteran in the field of Law in Mayiladuthurai, Nagapattinam District. The said request was placed before the Portfolio Judge of this Court for Nagapattinam District and by order dated 29.06.2014, it was rejected by the Portfolio Judge. Later, the very same request was also rejected by the Building Committee by endorsing the views of the Portfolio Judge. Similarly, even the request of the petitioner herein has been placed before the Portfolio Judge and it was rejected on 14.02.2017 by citing the earlier decision taken by the Building Committee of this Court. Therefore, the learned standing counsel for the first respondent would contend that the first respondent cannot pass any orders on the request made by the petitioner contravening the earlier order passed by the Building Committee of this Court. It is further submitted that the request of the petitioner can only be considered by the

Government on its own wisdom and by taking a policy decision to name the residential quarters provided to the Judicial Officers after the name of the former Chief Minister of the State. Therefore, the learned counsel for the first respondent prayed for dismissal of the writ petition.

21. The learned Advocate General appearing for the respondents 3 to 4 would vehemently contend that the petitioner cannot maintain this writ petition as a Public Interest Litigation and he has no locus standi to seek the prayer in the writ petition. The naming of any public building or Government Building will be decided by the Government by taking a policy decision and the petitioner cannot seek for a direction to name the Judicial Officers Quarters after the name of former Chief Minister of the State. For filing the present writ petition as a public interest litigation, the petitioner must show that the prayer sought for in this writ petition is in public interest. The personal letters or correspondence between the petitioner and the former Chief Minister of the State or the books authored by the petitioner will not confer the petitioner any legal right to file the present writ petition. The efforts taken by the petitioner during his tenure as Chairman and Managing Director of the Tamil Nadu Housing Board, will not, by itself, confer him a locus standi to seek the prayer in the present writ petition or to file the present writ petition as a Public Interest Litigation. It is further stated by the learned Advocate General that the Government has formulated various schemes to honour the former Chief Minister of the State Dr. M.G. Ramachandran such as Mid Day Meal Scheme, establishment of a Memorial, naming of the Tamil Nadu Film Institute as M.G.R. Government Film and Television Institute etc., Further the Government has commemorated the completion of 50 years of the M.G.R. Government Film and Television Institute at Taramani, Chennai, erected a Golden Jubilee Arch and a Bust-size Statue of the former Chief Minister within the campus of the said Institute. Further, as part of the Centenary Birth-day Celebration of Bharat Ratna Dr. M.G. Ramachandran, the Government has released a commemorative stamp of the late leader on 17.01.2017. It is further contended by the learned Advocate General that several arterial roads and Streets in the City have been named after the former Chief Minister of the State. The naming of such Streets or Roads after the name of the former Chief Minister was decided by the Government by taking a policy decision. Thus, the learned Advocate General opposed the prayer sought for in the present writ petition.

22. The learned Advocate General has also brought to the notice of this Court that the petitioner has sent a representation dated 12.01.2017 to all the respondents, seeking the prayer which is sought for in this writ petition. The said representation dated 12.01.2017 of the petitioner was rejected by the respondents by letter dated 22.02.2017 and it was also communicated to the petitioner. While so, without challenging the communication dated 22.02.2017, the petitioner is estopped from filing the present writ petition and the present writ

petition is not maintainable.

23. The learned Advocate General would mainly contend that for maintaining a Writ Petition as a Pro Bono Publico, the person who files the petition must establish that he has a locus standi to maintain such writ petition. While filing such writ petition, it must be shown that the grievance sought to be ventilated has an element of public interest for which judicial intervention is required. The purpose of filing a writ petition as a Public Interest Litigation is to ventilate the grievance of numerous citizens who could not approach the Court with their grievance as against the violation of their legal or constitutional rights. The naming of the building or re-naming of any building is a policy decision to be taken by the Government over which judicial interference is unwarranted. The learned Advocate General further submitted that it is not for this Court to examine or determine whether a particular policy or particular decision taken by the Government is fair or unfair. The Court can only examine as to whether such a decision was taken in the manner as required under law. The extent of the duty to act fairly will vary from case to case and the grounds upon which an administrative action is subject to control by judicial review can be classified under three categories namely (i) illegality (ii) irrationality and (iii) procedure irregularity. In the present case, the Government has taken a policy decision and refused to name the Judicial Officers Quarters after the name of the former Chief Minister. Such a refusal made by the Government in exercise of their administrative powers, not to rename the Judicial Officers Residential Quarters cannot be termed to be grossly arbitrary or irrational.

24. In order to buttress his submissions as to the maintainability of the writ petition, the learned Advocate General relied on the decision of the Honourable Supreme Court in (i) Tata Cellular vs. Union of India - AIR 1996 SC 11 (ii) BALCO Employees Union vs. Union of India - 2002 (2) SCC 333 (iii) Union of India vs. J.D. Suryavanshi (2011) 13 SCC 167 and (iv) Narmada Bachao Andolan vs. Union of India - 2000 (1) SCC 664. The aforesaid decisions have been rendered by the Honourable Supreme Court in Public Interest Litigation, in which the Honourable Supreme Court has laid down guidelines for filing a Public Interest Litigation. By demonstrating the ratio laid down in the aforesaid decisions, the learned Advocate General would contend that none of the guidelines laid down by the Honourable Supreme Court in those cases have been fulfilled by the petitioner.

25. Above all, the learned Advocate General has also relied on the decision of the Delhi High Court in WP (C) No. 7982 of 2015 - Ved Pal vs. Government of NCT of Delhi and another on 17.09.2015. In that case, the petitioner therein sought for re-naming a Metro Railway Station in Delhi. The Delhi High Court dismissed the writ petition by holding that the naming or re-naming of a Metro Station is within the realm of the Government over which judicial interference is not

warranted. Therefore, by placing the aforesaid decision of the Delhi High Court, the learned Advocate General prayed for dismissal of the present writ petition.

26. We have heard the Petitioner-in-person, the learned Standing counsel for respondents 1 and 2, the learned Advocate General appearing for the respondents 3 and 4 and perused the material records placed. At the outset, we wish to examine as to whether the petitioner has locus standi to file the present writ petition as a Public Interest Litigation.

27. The petitioner mainly contends that he was appointed as a Chairman and Managing Director of the Tamil Nadu Housing Board during the year 1978 and such post has been conferred on him by the former Chief Minister of the State of Tamil Nadu Dr. M.G. Ramachandran. During the tenure of the petitioner as Chairman and Managing Director, it is stated that the former Chief Minister has evinced keen interest for accommodating the Judicial Officers in the City by putting up residential quarters with modern amenities such as air conditioner and also broached several schemes for the Judiciary in the matter of construction of court building and for provisions of amenities thereof to the visiting litigant. Therefore, the petitioner claims that he being a loyalist and staunch follower of the objectives of the former Chief Minister, submitted a representation to the respondents for naming the Judicial Officers Residential Quarters meant for the Judicial Officers in Saidapet and Egmore in the City after the former Chief Minister which will herald to the general public the objectives and achievements made by the former Chief Minister.

28. In order to show that the petitioner has locus standi to maintain this writ petition as a Public Interest Litigation, he has relied on the letter received by him from the former Chief Minister in which certain conversation that took place between them with respect to construction of court buildings were re-called. The petitioner also relied on several books authored by him, including the book titled "Dont's and Do's for the Bench, Bar and other Areas" to demonstrate that the contents of the said book would reveal the achievements made by the petitioner from the year 1978 till the year 1993 in the matter of implementation of various housing schemes with the blessings of former Chief Minister of the State. This book was also relied on by the petitioner to show that it is he, who has taken all out efforts during his tenure as Chairman and Managing Director to ensure that the Court Buildings were constructed swiftly by getting adequate funds from the Government. He also claims that he was instrumental in the Government releasing funds for construction of the residential quarters for Judicial Officers at Madras vide G.O. Ms. No.748, Housing and Urban Development Department dated 27.08.1993. Whether such a self-proclaimed achievements made by the petitioner in his capacity as Chairman and Managing Director of the Tamil Nadu Housing Board would by itself be sufficient to maintain this writ petition as a Public Interest Litigation. In other words, whether this would show that the petitioner has

locus standi to maintain this writ petition to name the Judicial Officers Residential Quarters after the name of the former Chief Minister of the State.

29. It is well settled that persons whose fundamental rights are infringed by any action of the State or instrumentalities of the State alone can maintain a writ petition in the nature of a Public Interest Litigation. In this context, useful reference can be made to the decision of the Honourable Supreme Court in the off-quoted decision in Balco Employees Union vs. Union of India - (2002) 2 Supreme Court Cases 333 wherein it was held as follows:-

"If a citizen is no more than a wayfarer or officious intervener without any interest or concern beyond what belongs to any one of the 660 million people of this country, the door of the court will not be ajar for him. But, if he belongs to an organisation which has special interest in the subject matter, if he has some concern deeper than that of a busybody, he cannot be told off at the gates, although whether the issue raised by him is justiciable may still remain to be considered. I, therefore, take the view that the present petition would clearly have been permissible under Article 226".

30. In the present case, the petitioner claims that he was the Chairman and Managing Director of the Tamil Nadu Housing Board having been conferred with such post by the former Chief Minister. During the tenure of the petitioner, he has taken some steps in his official capacity as Chairman and Managing Director of the Tamil Nadu Housing Board to ensure that construction of buildings, both to accommodate the various Court halls as well as the residential quarters for the Judicial Officers in the city have been made. It is needless to state that such efforts taken by the petitioner, can at best, be construed as part and parcel of his official duty, as Chairman and Managing Director to ensure construction of buildings, not only to accommodate the Judicial Officers of the City, but also to implement various other welfare schemes formulated by the Government. Can that by itself confer a cause of action to file the present writ petition or it can be said that the petitioner has locus standi to institute the present writ petition. We are afraid that if those who discharged certain official positions want to take credit for their work and approach this Court seeking some direction to acknowledge their personal achievements in a specified field and any direction is issued thereof, it will only result in opening the flood gates with innumerable writ petitions in the nature of Public Interest Litigation which would only result in docket explosion. For filing a public interest litigation, it must be shown that there is an element of public interest seeking redressal of some public issue, which requires the intervention of this Court by way of direction, to set right the illegality perpetrated by government or local body or corporation authorities, in public interest. The expression

'Public Interest Litigation' means a legal action initiated in a Court for enforcement of public interest or general interest in which the public or a particular class or community has pecuniary interest or some interest by which their legal right or liabilities are affected. However, where it is shown that the petitioner has not suffered any legal injury and there is no infringement of fundamental or constitutional rights, a public interest litigation cannot be ordinarily entertained by the Courts. In the present case, we find that there is no public interest involved or the petitioner has any locus standi to file the present writ petition.

31. As regards the scope of judicial review in matters of this nature, the learned Advocate General has relied on the order dated 17.09.2015 passed in WP (C) No. 7982 of 2015 by the Division Bench of the Delhi High Court in the case of (Ved Pal vs. Government of NCT of Delhi). In that case, the petitioner therein has filed the writ petition contending that the Metro Railway Station named as Arjan Garh is in fact built in the land which is situate within the area of Aya Nagar and the station caters mostly to the residents of Aya Nagar. Therefore, he filed the writ petition in the nature of a Public Interest Litigation and sought for changing the name of the Metro Railway Station from Arjan Garh to Aya Nagar. In response to the writ petition, the counsel for the respondents in that writ petition had stated that the claim of the petitioner for changing the name of the Station was placed before a Committee on 08.05.2015 and the committee refused to accept the claim of the petitioner. It is further contended that naming or re-naming a Metro Station is within the domain of the State or instrumentalities of the State and the Court need not entertain such writ petitions at the instance of the petitioner therein. The Division Bench of the Delhi High Court, referring to the minutes of the meeting of the committee dated 08.05.2015, held that there is no public interest involved in the writ petition. Further, it was held that the naming or re-naming of a Metro Station is an administrative act and it is not for the Court to substitute the decision of the administrative authority with its decision, merely because it appears to be a better decision. The ratio laid down in the said decision of the Division Bench of the Delhi High Court applies to the facts of this case. In this case also, the petitioner seeks to name the Judicial Officers Residential Quarters situated within Saidapet and Egmore Court complex, which is an act or task to be undertaken by the Government by taking a policy decision. Further, a representation dated 12.01.2017 made by the petitioner to that effect was rejected by the Fourth respondent by letter dated 22.02.2017 and it was also communicated to the petitioner. While so, the petitioner ought to have challenged the letter of rejection dated 22.02.2017 and without challenging the same, the petitioner is estopped from filing the present writ petition in the nature of a Public Interest Litigation.

<https://hcservices.ecourts.gov.in/hcservices/>

32. The Honourable Supreme Court in the case of Narmada Bachao Andolan Versus Union of India and Others reported in

(2000) 10 SSC 664 held that the scope of judicial review in matters of public policy taken by the Government is limited and restricted. In that case, there was a challenge to the validity of the establishment of a large dam. It was held by the Honourable Supreme Court in Para No.229 as follows:-

"229. It is now well settled that the Courts, in the exercise of their jurisdiction, will not transgress into the field of policy decision. Whether to have an infrastructural project or not and what is the type of project to be undertaken and how it has to be executed, are part of policy-making process and the Courts are ill-equipped to adjudicate on a policy decision so undertaken. The Court, no doubt, has a duty to see that in the undertaking of a decision, no law is violated and people's fundamental rights are not transgressed upon except to the extent permissible under the Constitution."

It is evident from the above that it is neither within the domain of the Courts nor the scope of the judicial review to embark upon an enquiry as to whether a particular public policy is wise or whether better public policy can be evolved. Nor are our Courts inclined to strike down a policy at the behest of a petitioner merely because it has been urged that a different policy would have been fairer or wiser or more scientific or more logical."

33. The learned Advocate General appearing for the respondents 3 and 4 also relied on the decision of the Honourable Supreme Court in Union of India and others vs. J.D.Suryavanshi reported in (2011) 13 Supreme Court Cases 167. In that case, the petitioner therein sought for a direction to the respondents/Railways for adding Air-conditioned Coaches to a particular train and for re-scheduling of the timings of certain other trains. The single Judge of the High Court, issued several interim orders in the said case, in compliance of which, the Railways made changes in the timings of several trains and also attached Air-conditioned coaches to several trains. The appeal filed by the Railway Administration before the Division Bench was dismissed. On appeal, the Honourable Supreme Court, while setting aside the order of the single Bench as well as the Division Bench of the High Court, held that it is for the Railway Administration to decide as to whether an additional Air-conditioned Coach can be added or the timing of a particular train can be revised and the Courts, in exercise of their powers conferred under Article 226 of The Constitution of India, ought not to have issued any direction to the Railways. Useful reference can be made to paragraph No.11 of the said judgment as follows:-

"11. This Court has repeatedly warned that Courts should resist the temptation to usurp the power of the executive by entering into arenas which are exclusively within the domain of the executive.

How many coaches should be attached, what types of coaches are to be attached, on which lines what trains should run, what should be their timings and frequency, are all matters to be decided by the Railway Administration using technical inputs, depending upon financial, administrative, social and other considerations. This Court has repeatedly held that courts should not interfere in matters of policy or in the day-to-day functioning of any departments of Government or statutory bodies. Even within the executive, the need for separation of roles has been voiced."

34. In the present case, the relief sought for naming or re-naming the Judicial Officers Residential Quarters cannot be taken up by this Court at the instance of the petitioner. The task of naming or re-naming of a public building cannot be subjected to judicial review as it is within the exclusive domain of the Government to decide it by taking a policy decision or even by a consultative process with all the stake holders.

35. The petitioner relied on the order dated 07.08.2014 passed by the Division Bench of this Court in Writ Petition No. 19836 to 19840 of 2013 filed by him. The said writ petitions were filed for utilising the vacant land in the front side adjacent to the South Beach Road known as "Kamarajar Saalai" commencing from the Vivekanandar Statue upto the end of the Lady Willington College Complex to erect the memorial for Ma.Ve. Singaravelar with his statue with the description both in Tamizh and English about his achievements and for other consequential relief. By order dated 07.08.2014, the Division Bench of this Court issued certain directions to the Government to consider the claim of the petitioner. However, complaining that the direction issued by this Court has not been complied with, Contempt Petition Nos. 3427 and 3432 of 2014 have been filed in WP No. 19840 and 19839 of 2013 respectively. The contempt petitions were dismissed by the Division Bench of this Court on 17.11.2015. Even in the said order, the Division Bench of this Court specifically held that whether a building ought to have been re-named would undoubtedly fall within the domain of the Government. Useful reference can be made to Para No.8 of the order of the Division Bench which reads as follows:-

"8.It is also true that there have been different stands of the Government, while examining the issue of ownership, but then the affidavits and counter-affidavits filed show that the quantum of examination of land record itself became a complicated one till this Court impressed upon the respondents that all necessary records should be examined and then only stand taken before the Court for exercise which should have been done at the initial stage itself. However, we do not have really the affected party before us to be

compensated in the present case. It was a larger public interest which the petitioner propounded to recognise the contribution of a freedom fighter, which had been brought into the Court. His endeavour has been substantially successful in view of the action taken by the Government, in pursuance to the petition filed, the memorial and the library at Royapuram have been inaugurated, for which a sum of Rs.2.38 crores is stated to have been spent for construction and the Samadhis of the forefathers were renovated at a stated cost of Rs.1.95 lakhs. Whether the building ought to have been renamed also would undoubtedly fall within the domain of the Government."

36. We reiterate that for maintaining a Public Interest Litigation, it must be shown that the Government or instrumentalities of the Government have failed to discharge their public duty or they have breached the well established procedures while discharging their public duty or there is any violation of any provisions of law or constitutional mandate in discharge of such duty. The petitioner also must show that there is violation or transgression of any law by the respondents and such violation warrants judicial interference. In this case, we are of the firm opinion that the petitioner has not demonstrated that there is any infringement of any of his fundamental or legal right warranting our interference. In the absence of any proof to show that the fundamental right of the petitioner has been infringed, we refrain from entering into an arena, over which the Government only has exclusive domain either to name or re-name the Judicial Officers Residential Quarters. In fact, such a plea made by the petitioner herein was also rejected by the fourth respondent herein in the letter dated 22.02.2017, which remains unchallenged by the petitioner till date.

37. The petitioner also relied on the decision of the Honourable Supreme Court in the case of (AIIMS Students Union Versus AIIMS and others) reported in (2002) 1 Supreme Court Cases 428 to contend that this Writ Petition, filed as a Public Interest Litigation is maintainable. In that case, the Honourable Supreme Court dealt with the admission procedure to Post Graduate Courses and the reservation policy of the institute in the matter of admission of student. While dealing with the said case, the Honourable Supreme Court inter alia observed that fundamental duties, though not enforceable by Court, yet provide a valuable guide and aid to interpretation of constitutional and legal issues. In the present case, we are not called upon to deal with any interpretation to constitutional and legal issues and we are called upon to consider whether the petitioner has a legal right or a fundamental right to seek the relief in this writ petition. Therefore, the said decision relied on by the petitioner will not lend support to his case.

38. The petitioner also relied on the decision of the

Honourable Supreme Court in the case of (Om Prakash and others vs. State of U.P. And others) reported in (2004) 3 Supreme Court Cases 402. In that case, the Honourable Supreme Court held that the Municipal Board, Rishikesh is correct in imposing a ban on sale or trading of non-vegetarian food items in the municipal town of Rishikesh along with adjoining towns of Haridwar and Muni Ki Reti in deference to the religious and cultural demands of a large number of residents and pilgrims who visit the three Town regularly and periodically on auspicious and festive days. The ratio laid down by the Honourable Supreme Court has no nexus to the present case on hand and as such this decision relied on by the petitioner has no application to the facts of the present case.

39. The learned counsel for the first respondent brought to the notice of this Court that a similar prayer was made by Senior Citizens Council, Mayiladuthurai to name the combined Court building at Mayiladuthurai as "Thiru Mayuram Vedanayagam Pillai (Late)" to acknowledge the achievements made by the veteran in the field of Law in Mayiladuthurai, Nagapattinam District. When the request made by the Senior Citizens Council was placed before the Portfolio Judge of this Court, for Nagapattinam District, it was rejected on 29.06.2014 and later, the order of rejection was affirmed by the Building Committee of this Court. Even the request made by the petitioner herein for naming the Judicial Officers Residential Quarters after the name of former Chief Minister was placed before the Portfolio Judge and it was also rejected on 14.02.2017 by citing the earlier decision taken by the Building Committee of this Court. Thus, the orders mentioned above would only indicate that the naming or re-naming of a public building is within the domain of the Government and such a task cannot be undertaken by this Court in exercise of the powers under Article 226 of The Constitution of India. Further, it is not in the annals of the Judiciary to name any building, meant for their occupation, after the name of any prominent or political leaders.

40. In the result, we do not find any merit in the present writ petition and the same is liable to be dismissed. Accordingly, the writ petition is dismissed, by confirming the order dated 22.02.2017 of the first respondent, which is impugned in this writ petition. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Registrar General
High Court of Madras
Chennai - 600 104
2. The Principal Judge
City Civil and Sessions Court
Chennai - 600 104
3. The Chief Secretary to Government
The State of Thamizh Naadu
Fort St. George
Chennai - 600 009
4. The Director
Information and Public Relation &
Ex-Officio Joint Secretary to Government
Government of Thamizh Naadu
Fort St. George
Chennai - 600 009
5. The Managing Director
Thamizh Naadu Housing Board
Nandanam
Chennai - 600 035
6. The President,
Tamil Nadu Judicial officers Associates,
High Court, Chennai-105.

Copy To

The Section Officer,
Legal Cell, High Court, Madras.

+2cc to Mr.A.E.Chelliah, Petitioner in person, Senior Advocate
Sr.No.75578

WEB COPY

WP No. 5225 of 2017

GN(06/11/2017)