

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2017

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.2436 of 2017

Dinesh

... Petitioner

Vs.

1. Union of India
Rep by its Secretary
Home Ministry, New Delhi.
2. Union of India
Rep by its Secretary
Information Broadcasting Ministry
New Delhi.
3. Government of Tamil Nadu
Rep by its Chief Secretary
Fort St. George Chennai - 9.
4. PETA India
Rep by its Director
No.14, Doctor Lane
Classic Home, Goal Market
New Delhi - 1.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the 1st respondent to ban the 4th respondent organization in India.

For Petitioner : Ms.A.Lobamudra

For Respondents : Mr.C.V.Ramachandramurthy
Senior Panel Counsel
for respondents 1 and 2

Mr.T.N.Rajagopalan
Special Government Pleader
for 3rd respondent

ORDER

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

The petitioner claims to have studied up to 12th standard, but claims to be well versed in English and Tamil. He is working as a Supplier in the local hotel and seeks to file a public interest litigation seeking to ban the fourth respondent/PETA India.

2. It is the say of the petitioner that since PETA is a FCRA-NGO, it is not a member of Indian Public and has no locus standi to file cases against the State and Central Governments by challenging the laws enacted by these Governments. Thus, by filing what is styled as "unnecessary public interest litigation", PETA has acted contrary to their own principles. They are stated to be affecting the age-old customs of India. It is also stated that PETA is indulging in sexist advertisements and that it has pulled out all the stops with a XXX porn site as a marketing endeavour. The endeavour of PETA is stated to be affecting children and women rights.

3. It is averred specifically in paragraph (33) that instead of adhering to its objectives, PETA had "indulged in unnecessary activities like filing frivolous public interest litigation against the very same government which has allowed its operation in India and without any locus standi challenging the laws enacted by them which is totally against the laws envisaged in International law in this aspect."

4. In paragraph (36), it is averred that "since the 4th respondent had acted contrary to the sovereignty and integrity of India by filing vexatious public interest litigations against the sovereign powers of India, acted against general public interest and created disharmony between social or communities."

5. The petitioner also alleges that as per Sections 9 and 12 of the Foreign Contribution (Regulation) Act, 2010, the Union of India has got the power to prohibit receipt of foreign contribution under certain situations and since the fourth respondent has acted contrary to the sovereignty and integrity of India by filing vexatious public interest litigations against the sovereign powers of India, action should be taken against the fourth respondent.

6. The learned counsel for the petitioner has also produced for our perusal an index to typed set to show the advertisements alleging that they are pornography. On perusal of the same, we find nothing of this sort. There are photographs of women sparsely clad propagating non use of fur and such other materials which affect the rights of animals. In any case,

nothing compels the petitioner to necessarily visit the website of the fourth respondent and then claim that he is provoked by its content, which has given one of the causes to file the present petition.

7. We had repeatedly posed a query to the learned counsel for the petitioner as to under what law does this Court issue a mandamus to ban an organization. It would be the prerogative of the Executive, if any law is violated, to take action against any such organization.

8. We are, however, troubled by the tenor of the petition which seeks to suggest that the entertaining of petitions by the Hon'ble Supreme Court filed by PETA amounts to violation of sovereignty and integrity of India and because PETA sought to challenge statutory law made in India, it should be banned. In our view, this is contemptuous of the Supreme Court, as it is the prerogative of the Court whether to entertain or not to entertain a petition.

9. We find this a misadventure only for publicity sake given the current social context on account of the role of PETA vis-a-vis the Jallikattu issue.

The petition is dismissed. No costs. Consequently, W.M.P.Nos.2422 and 2423 of 2017 are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Secretary
Union of India
Home Ministry
New Delhi.
2. The Secretary
Union of India
Information Broadcasting Ministry
New Delhi.
3. The Chief Secretary
Government of Tamil Nadu
Fort St. George Chennai - 9.

4. The Director
PETA India
No.14, Doctor Lane
Classic Home, Goal Market
New Delhi - 1.

+1cc to M/s.PR.Balasubramanian, Advocate, S.R.No.6138
+1cc to Mr.C.V.Ramachandramurthy, Advocate, S.R.No.6045
+1cc to the Government Pleader, S.R.No.6455

W.P.No.2436 of 2017

SCD(CO)
CA(09/02/2017)



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