

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2017

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.24622 of 2017

K.Manivel

...Petitioner

vs.

1.The District Collector,
District Collector Office,
Coimbatore.

2.The District Revenue Officer,
District Collector Office,
Coimbatore.

3.The Commissioner,
Coimbatore Corporation,
Town Hall,
Coimbatore District.

4.The District Supplies Officer,
District Collector Office,
Coimbatore.

5.The Tahsildhar,
Perur Taluk,
Perur,
Coimbatore District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to change the name of New Harijan Colony as Nethaji Nagar as per special resolution of Kuniyamuthur Special Grade Town Panchayat resolution dated 12.11.1998 bearing No.337/1998 situated at Kulathupalayam, Kavaipudur Post, Coimbatore, considering application dated 23.01.2017, at the earliest.

For Petitioner : No Appearance

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

ORDER

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

This writ petition, purportedly in public interest, has been filed seeking a writ of mandamus directing the respondents to change the name of New Harijan Colony as Nethaji Nagar as per the special resolution of Kuniyamuthur Special Grade Town Panchayat dated 12th November, 1998.

2. It is not for this Court exercising its extraordinary writ jurisdiction to implement the resolutions of Town Panchayats. This Court, in exercise of writ jurisdiction cannot decide what an area or a colony should be named.

3. The object of public interest litigation is to make justice available to the public at large. It was often found that the underprivileged, the deprived, the illiterate denied of literacy and denied of adequate funds had no access to justice. To ensure that such persons were not denied their legitimate rights, a new branch of litigation known as public interest litigation and/or social interest litigation evolved. The Courts have also often *suo motu* initiated proceedings.

4. In *pro bono publico* proceedings, the Courts intervene when the Courts find that there has been callous neglect on the part of the State, a lack of probity in public life, abuse of power. *Pro bono publico* interest litigation gives way to substantive concern for deprivation of rights. The rule of *locus standi* has been diluted. In public interest litigation, the Court is not simply a disinterested and dispassionate adjudicator, but an active participant in the dispensation of justice. The key factors in public interest litigation are deprivation of rights, need to secure the rights of a deprived class. No person has any vested right to have a new colony to be given any particular name. It is for the concerned local bodies to take a decision in this regard. No one has been deprived of any right by reason of failure and/or omission to implement the special resolution of Kuniyamuthur Special Grade Town Panchayat dated 12.11.1998.

5. The writ petition is disposed of with the above observation. No costs.

bbr

Sd/-

Assistant Registrar [CS III]

/TRUE COPY/

Sub-Assistant Registrar

To:

- 1.The District Collector,
District Collector Office,
Coimbatore.
- 2.The District Revenue Officer,
District Collector Office,
Coimbatore.
- 3.The Commissioner,
Coimbatore Corporation,
Town Hall, Coimbatore District.
- 4.The District Supplies Officer,
District Collector Office,
Coimbatore.
- 5.The Tahsildhar,
Perur Taluk,

+1CC to Govt Pleader SR.NO.70593

सत्यमेव जयते

W.P.No.24622 of 2017

NRI [OC]

MK:28/10/2017

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