

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2017

CORAM

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

W.P.No.1560 of 2017

Tamil Nadu Centre for Public Interest Litigation
Rep. by K.K.Ramesh, Managing Trustee
No.26A, Old Mahalipatti Road
Madurai- 625 001.

... Petitioner

Vs.

- 1.The Union of India
Rep by its Principal Secretary to Prime Minister
Prime Minister's Office
South Block, Raisina Hill, New Delhi- 110 001.
- 2.The Union of India
Rep by its Home Secretary
Ministry of Home Affairs
North Block, New Delhi.
- 3.The Union of India
Rep by Secretary
Ministry of Law and Justice
Union Secretariat, New Delhi.
- 4.The Union of India
Rep by Secretary
Ministry of Environment and Forests
Paryavaran Bhawan, CGO Complex
Lodhi Road, New Delhi- 110 003.
- 5.The Chairman
Animal Welfare Board of India
13/1, 3rd Seaward Road
Valmiki Nagar, Thiruvannamipur
Chennai-600041.
- 6.The State of Tamil Nadu
Rep by the Chief Secretary
Secretariat, Chennai-9.

7.The State of Tamil Nadu
Rep by Secretary
Tamil Nadu Legislative Assembly
Secretariat, Chennai-9.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents to enact a new special law with strict conditions to celebrate erutazhuval, Manju Virattu, Madupudi thiruvila in Tamil Nadu by considering the representation dated 16.01.2017.

For Petitioner : Mr.K.K.Ramesh
Party-in-Person

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader
for respondents 5 and 6

ORDER

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

The petitioner is styled as "Tamil Nadu Centre for Public Interest Litigation". At the inception, we must note that there cannot be a specialist organization to file public interest litigations. The name under which this organization is being run creates a wrong impression in the public as if the organization is a specialist only in filing public interest litigations. An organization doing voluntary work and having expertise in a particular field may approach the Court. We cannot allow an organization to pick up the morning newspaper, find out what is the issue raised and file half-baked petitions without any knowledge of the subject or law and that too without any research on the subject. We are, thus, of the view that any petition which is filed in the name of "Tamil Nadu Centre for Public Interest Litigation" cannot be maintained and no such petitions shall be maintained in this name and style.

2. Now coming to the merits of the case, the lack of expertise on the part of the petitioner is apparent from the fact that he seeks a direction to enact a special law. We say so, as it is the sole prerogative of the Government to enact law and the Court cannot issue direction to the Government to enact a law. This issue is well settled in a catena of decisions of the Supreme Court, including State of Jammu and Kashmir v. A.R.Zakki and others, 1992 Supp (1) SCC 548, and a Full Bench decision of the Delhi High Court in R.K.Singh v. Union of India, AIR 2001 Del 12, holding that a writ of mandamus can be issued only in a case where there is a statutory duty imposed upon a person and there is a failure to discharge that statutory

duty and that a writ of mandamus cannot be issued to the legislature to enact a particular legislation, as the same is the sole prerogative of the legislature.

3. In view of the aforesaid, this Court is not empowered to issue such a writ of mandamus as is sought by the petitioner and it is for the Government and the legislature to take a call on the issue.

The petition is dismissed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sasi

To:

- 1.The Principal Secretary to Prime Minister
Union of India, Prime Minister's Office
South Block, Raisina Hill, New Delhi- 110 001.
- 2.The Home Secretary
Union of India
Ministry of Home Affairs
North Block, New Delhi.
- 3.The Secretary
Union of India
Ministry of Law and Justice
Union Secretariat, New Delhi.
- 4.The Secretary
Union of India
Ministry of Environment and Forests
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- 5.The Chairman
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Chennai-600041.
- 6.The Chief Secretary
State of Tamil Nadu
Secretariat, Chennai-9.

7.The Secretary
State of Tamil Nadu
Tamil Nadu Legislative Assembly
Secretariat, Chennai-9.

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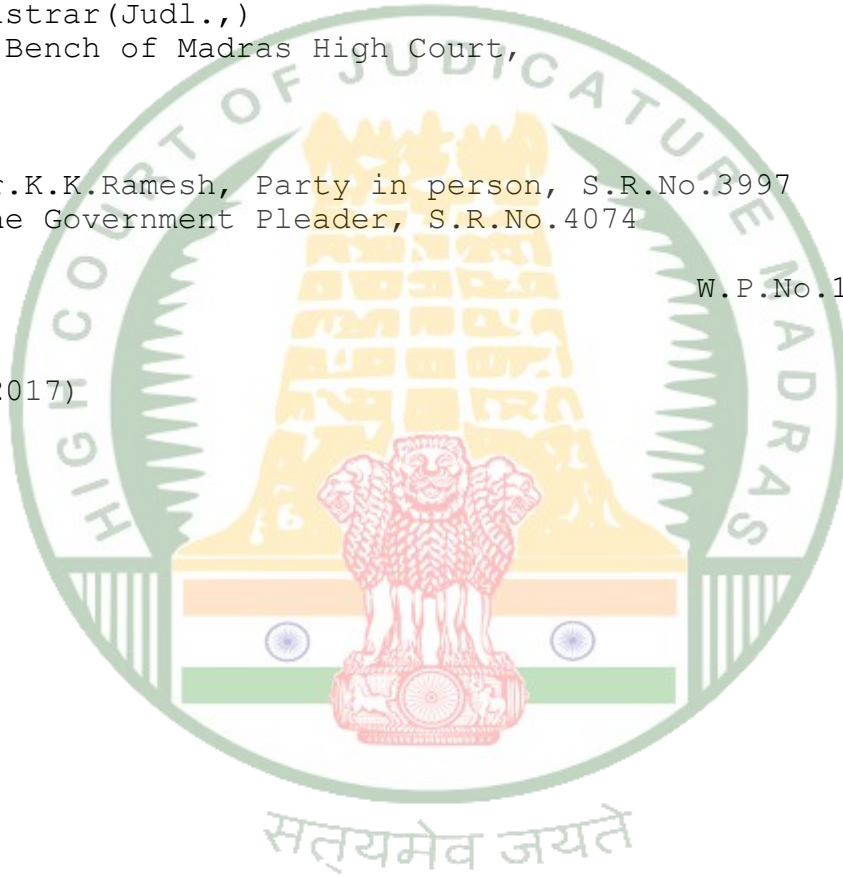
1.The Registrar(Admn.,)
Madurai Bench of Madras High Court,
Madurai.

2.The Registrar(Judl.,)
Madurai Bench of Madras High Court,
Madurai.

+lcc to Mr.K.K.Ramesh, Party in person, S.R.No.3997
+lcc to the Government Pleader, S.R.No.4074

W.P.No.1560 of 2017

KJ(CO)
CA(27/01/2017)



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