

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2017

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The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.28765 of 2017

SK.Muruganantham ... Petitioner-in person
vs.

- 1.Union of India,
through the Cabinet Secretary,
Cabinet Secretariat,
Rashtrapati Bhawan,
New Delhi - 110 004.
- 2.Ministry of Finance,
through the Secretary of Ministry of Finance,
North Block,
Cabinet Secretariat,
Raisina Hill,
New Delhi - 110 001.
- 3.Ministry of Communications,
through the Secretary of Ministry of Communications,
Sanchar Bhawan 20, Ashoka Road,
New Delhi - 110 001.
- 4.Reserve Bank of India,
through Governor,
Reserve Bank of India,
Central Office Building,
18th Floor, Shahid Bhagat Singh Road,
Mumbai - 400 001. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the respondents to uphold the constitution validity of Indian currency notes and to end the invalid use of title "mahatma" in currency notes of India and coins of India and postal stamps of India, which infringes the

Article 14 and Article 18 of the Indian Constitution.

For Petitioner : Mr.SK.Muruganantham
Party-in-person

ORDER

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

This writ petition has been filed for a writ in the nature of mandamus directing the respondents to stop use of "Mahatma" before Gandhi in currency notes, coins and postal stamps in India.

2. Orders have been sought on the purported ground that use of expression "Mahatma" infringes Articles 14 and 18 of the Constitution of India. In fact, the prayer as quoted from the writ petition is to end the invalid use of title 'mahatma' in currency notes and coins and postal stamps in India.

3. There is not a whisper in the writ petition and/or in the affidavit in support thereof as to how equality under Article 14 of the Constitution has been violated by printing the photograph of Gandhiji describing him as Mahatma Gandhi.

4. Article 14 envisages equal treatment of equals. A policy decision to honour a respected freedom fighter by printing or engraving his picture on currency notes, stamps or coins does not violate Article 14 of the Constitution of India.

5. Article 18 provides that no title not being a military or academic distinction, shall be conferred by the State. The epithet 'Mahatma' was given to Mohandas Karamchand Gandhi by the Poet and Nobel laureate Rabindranath Tagore. The epithet is not a title. Titles as contemplated under Article 18, in our view, apply to official titles such as Sir, Lord, Rao Bahadur and the like.

6. In any case, in our view, there is no public interest involved in this writ petition. It may be the petitioner's opinion that the picture of Gandhiji should not be used or the epithet 'Mahatma' should not be used in currency notes, coins or stamps. It is, however, not clear as to how the public at large are affected.

7. Public interest litigation is a new class of litigation where the Courts take note of prevalent illegality affecting the rights of the people in general or a class of people, in dilution of the principles of locus standi. The Courts examine illegality suo motu or at the instance of public spirited

citizens or other persons. Whenever there is violation of any rights either by reason of any overt act on the part of the State or by reason of inaction on the part of the State, the Courts intervene irrespective of whether the person actually aggrieved has come to the Court or whether attention of the Court has been drawn to the illegality by any other person or cognizance has been taken by the Court of such illegality on its own.

8. However, in exercise of the extraordinary power under Article 226 to entertain a public interest litigation, the Court cannot traverse the limits evolved by way of judicial discipline by different Courts through judicial decision to exercise its power under Article 226 of the Constitution of India. This Court does not in exercise of power under Article 226, sit in appeal over administrative decisions/policy decisions.

9. Policy decisions are not generally interfered with unless the policy decisions are patently arbitrary or violative of Constitutional and/or legal provisions. We reiterate that there is no infringement of any provision of the Constitution or of law in respectfully describing an important luminary as 'Mahatma' considering the selfless sacrifice made by him for the nation. It is reiterated that the State has not conferred any title on the leader.

10. Writ petitions of this kind, which clog the business of the Courts and consume judicial time when other more important issues affecting the rights of the people are awaiting adjudication, should be thoroughly discouraged.

11. We deem it appropriate not only to dismiss the writ petition, but to impose costs of Rs.10,000/- (Rupees Ten Thousand), which shall be paid by the petitioner to the Registrar General of this Court within a fortnight from date for wasting the Court's valuable time.

/sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

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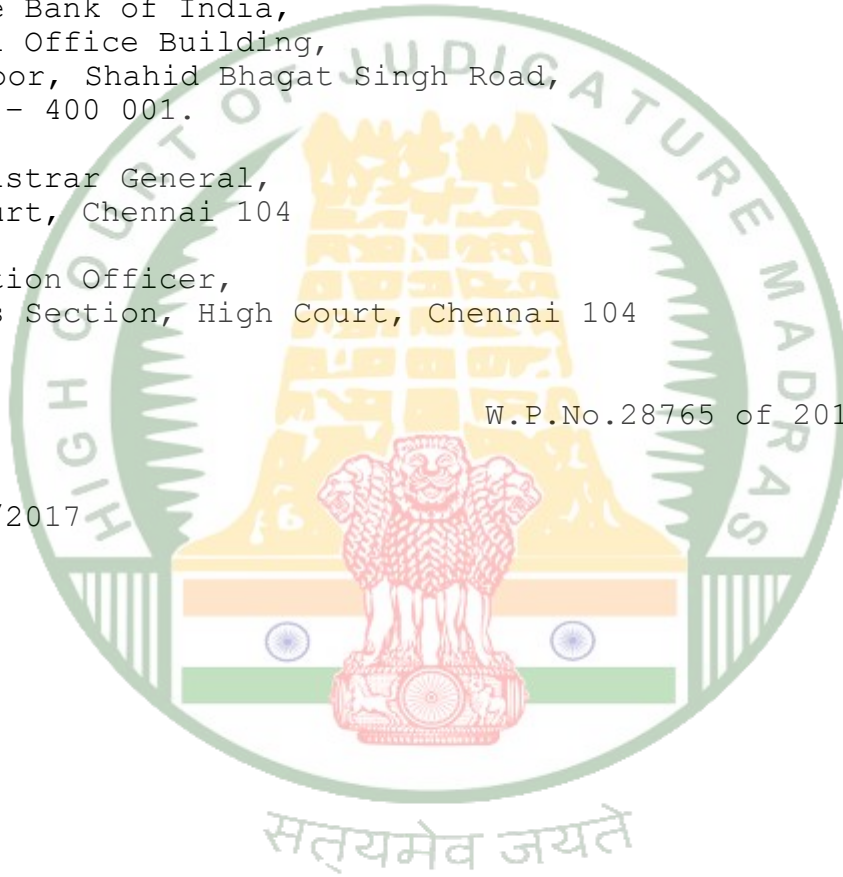
To:

1.The Cabinet Secretary,
Cabinet Secretariat,
Rashtrapati Bhawan, New Delhi - 110 004.

- 2.The Secretary of Ministry of Finance,
Ministry of Finance, North Block, Cabinet Secretariat,
Raisina Hill, New Delhi - 110 001.
- 3.The Secretary of Ministry of Communications,
Ministry of Communications,
Sanchar Bhawan 20, Ashoka Road,
New Delhi - 110 001.
- 4.The Governor,
Reserve Bank of India,
Central Office Building,
18th Floor, Shahid Bhagat Singh Road,
Mumbai - 400 001.
- 5 The Registrar General,
High Court, Chennai 104
- 6 The Section Officer,
Accounts Section, High Court, Chennai 104

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MD: 29/11/2017



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