



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.10.2017

CORAM:

**THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND**

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.19797 of 2017

WEB COPY

Abimani @ R.Chandrasekaran

... Petitioner

Vs.

1.Govt. of Tamil Nadu,
Rep. by its Secretary,
Tamil Development Department,
Secretariate, Chennai - 600 009.

2.The Director,
Tamil Development Department,
Tamil Department Chamber I Floor,
Tamilsalai, Egmore,
Chennai - 600 008.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to set up a higher level committee for reformation in Tamil Language by considering the petitioner's representation dated 27.09.2017.

For Petitioner : Mr.Abimani @ R.Chandrasekaran

For Respondents : Mr.Raja Karthikeyan,
Additional Government Pleader

O R D E R

[Order of the Court was made by **The Hon'ble Chief Justice**]

This Writ Petition by way of Public Interest Litigation has been filed seeking directions on the respondent authorities to set up a High Level Committee for reformation of Tamil Language, by consideration of the petitioner's representation dated 27.09.2017.

2. The concept of public interest litigation has evolved to bring justice to the reach of the disadvantaged, the underprivileged, the marginalized and the differently abled, who are unable to secure and/or fight for their rights. Public interest litigation espouses the cause of people who are otherwise unable to approach the Court. However, of late, public interest litigation is being exploited for the benefit of individuals who



try to abuse the newly evolved concept for gaining publicity, for political reasons or may be even out of vindictiveness.

3. As held by the Supreme Court in *Jaipur Shahar Hindu Vikas Samiti v. State of Rajasthan*, reported in (2014) 5 SCC 530, the Courts have to be very careful in entertaining public interest litigation. Misuse of public interest litigation should be dealt with by an iron hand. The misuse of public interest litigation would defeat the very purpose for its evolution. Courts should discourage unjustified litigants at the initial stage itself and a person who misuses the forum should be made accountable.

4. A Writ lies in case of violation of a constitutional right, legal right or may be in some certain exceptional cases, even an equitable right. A writ may lie for implementation of basic human rights as well, which of course are also part of constitutional rights, in view of the interpretation of Article 21 by the Supreme Court and High Courts.

5. A public interest litigation may also be filed in case of violation of constitutional rights, legal rights or may be even equitable rights of a marginalized section of people who are unable to fight for and/or defend their own rights. A litigation in public interest may also be filed for implementation of basic human rights, many of which have judicially been interpreted to constitute part of the constitutional rights guaranteed under Part III of the Constitution of India, in particular Article 21.

6. Normally, it is a person aggrieved by an action, who can approach the Court or in other words, a person whose right has been infringed. Public Interest Litigation dilutes the role of *locus standi* on the principle that whenever there is a wrong, Courts might redress the wrong. Thus, any public spirited citizen may take up the case of the public at large or of a marginalized group of people who cannot fight or defend their own rights. However, in entertaining a Public Interest Litigation, the Court should be circumspect. In exercise of jurisdiction to entertain a Public Interest Litigation, the Writ Court cannot take upon itself functions which are not of the writ Court.

7. We are unable to appreciate any pressing need for reformation of the Tamil Language. Ideas may vary from one linguist to other and from one littérateur to the other. The petitioner, or for that matter, any class of people, cannot have any right to consideration of his/her representation for reformation of a language, like Tamil, which is one of the oldest languages - a very rich language, perhaps, the only Indian language, which is also recognised as a National Language in Foreign Countries, like Singapore. It is possibly the oldest language. It is not for this Court to pass orders with regard to reformation in the Language, as claimed by the petitioner.



8. Thus, the writ petition is disposed of. We do not impose any costs, but we make it absolutely clear that frivolous litigations of this kind, which tend to clog the business of the Courts and deprive serious litigants of having their cases decided will in future attract exemplary costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary to Govt. of Tamil Nadu,
Tamil Development Department,
Secretariate, Chennai - 600 009.

2. The Director,
Tamil Development Department,
Tamil Department Chamber I Floor,
Tamilsalai, Egmore,
Chennai - 600 008.

+1cc to Special Government Pleader, SR.No. 84228

SSM/GK

MAS/SV-MMS/SAR2:13.11.2017:3P-4C

W.P. (MD) No. 19797 of 2017

27.10.2017