



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.12848 of 2016

S.Muthu Kumar., B.A.B.L.,
Chamber No.46,
Madurai District Court Campus,
Melur Main Road,
Madurai-20.

... Petitioner

Vs.

1.The Director Municipal Administration and
Water Supply Department,
O/o. The Director Municipal Administration
and Water Department Office,
Chennai.

2.The Director of Vigilance and Anti Corruption Cell,
Green Ways Road,
Chennai.

3.The District Collector,
Madurai District,
Madurai.

4.The Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents No.1,3 & 4 to inspect the Bitumen road work carried out during 2015-2016 under SRP (Special Road Project) and IUDM (Integrated Urban Development Mission) 2015-2016.

For Petitioner

: Mr.Karthickraja
for Mr.M.Natarajan

For R1 to R3

: Mr.T.S.Mohammed Mohideen
Additional Government Pleader
: Mr.N.Shanmuga Selvam

O R D E R

[Order of the Court was made by K.K.SASIDHARAN,J.]

The petitioner, who is a practicing Lawyer, filed this writ petition in *probono publico*, directing the respondents 1,3 and 4 to inspect the Bitumen road work carried out during 2015-2016 under SRP (Special Road Project) and IUDM (Integrated Urban Development Mission) 2015-2016.

2. According to the petitioner, on the basis of the direct information and the materials gathered by him, it was found that there is a large scale misappropriation in laying Bitumen road within the jurisdiction of the Madurai Corporation. A news item to that effect was published by Thina Malar Daily. The petitioner, therefore, filed this writ petition for directing the respondents 1, 3 and 4 to inspect the Bitumen road work carried out by the Madurai Corporation.

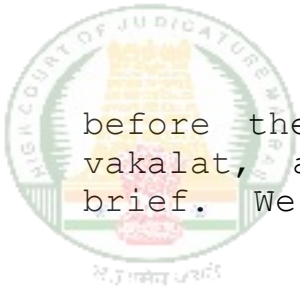
3. The Commissioner, Madurai Corporation in his counter affidavit indicated the measures taken for ensuring the quality of the road laid by using the public fund. According to the Commissioner, after the work is completed, sample would be taken and it would be verified by the process of quality check. The quality check would be conducted by the Quality Control Lab, established by the Madurai Corporation.

4. The affidavit filed by the petitioner is bereft of particulars. The petitioner being a person, who is moving this Court, in Public Interest, must collect all the material particulars and the same should be produced before the Court. However, in the subject case, the petitioner, on the basis of the half-packed particulars, has approached this Court. It would not be possible for this Court to consider the issue raised by the petitioner, in the absence of sufficient particulars. Even otherwise the Commissioner, Madurai Corporation has made it clear that the quality of the works undertaken by the contractor would be subjected to quality check by the Corporation and payment would be made, only after ensuring that the roads are laid in accordance with the technical parameters.

5. The petitioner is an advocate. It is not known as to how many writ petitions have been filed so far by the petitioner. It is always open to the Advocates to file Public Interest Litigations to expose a genuine Public Interest. However, it would not give them a right to file public interest litigations, without undertaking study in the matter and without collecting materials to substantiate the contentions.

<https://hcservices.ecourts.gov.in/hcservices/>

6. The writ petitioner is represented by a counsel, who is not on record. The writ petitioner, being a lawyer must appear



before the Court and submit his case. Even without filing vakalat, another lawyer represented him, without studying the brief. We do not approve such conduct.

7. We do not find any reason to issue a writ of mandamus as prayed for by the petitioner in this writ petition.

8. This writ petition is dismissed. No costs.

Sd/-
Assistant Registrar (ADII)

/True Copy/

Sub-Assistant Registrar

To

1. The Director Municipal Administration and
Water Supply Department,
O/o. The Director Municipal Administration
and Water Department Office,
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2. The Director of Vigilance and Anti Corruption Cell,
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3. The District Collector,
Madurai District,
Madurai.

4. The Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai.

+One cc to M/s.N.Shanmugaselvam, Advocate, SR.No.77615
+One cc to The Special Government Pleader, SR.No.78012

sss/vs
RL/7C/3P/GT/SAR1/3/10/2017

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