

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2018

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.2231 of 2018

R.Senthil Murugan

.. Petitioner

vs.

1.The Chief Secretary,
Government of Tamil Nadu,
Fort St.George,
Chennai-600 009.

2.The Secretary,
Home Department,
Government of India,
New Delhi.

3.The Secretary,
Home Department,
Government of Tamil Nadu,
Fort St.George,
Chennai-600 009.

4.The Director of Vigilance &
Anti-Corruption,
293, MKN Road, Alandur,
Chennai-600 016.

5.Director General of Police,
Government of Tamil Nadu,
Kamarajar Salai,
Chennai-600 004.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 4 to consider his representation dated 12.12.2017 given to them to take against the 5th respondent herein.

For Petitioner

: Mr.R.Senthil Murugan /
Party-in-Person

For Respondents 1 to 3

: T.N.Rajagopalan
Government pleader
for R1 to 3

ORDER

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

This writ petition, purportedly by way of public interest litigation, has been filed by the petitioner, who claims to be a Post Graduate in History and a social worker as well as a Writer engaged in social service to the public.

2. In the writ petition, the petitioner has prayed for a writ of mandamus directing the respondent Nos.1 to 4 to consider his representation dated 12.12.2017, to take action against the fifth respondent i.e., Director General of Police, Government of Tamil Nadu.

3. It is the case of the petitioner that the Government of Tamil Nadu allocated a sum of Rs.47.56 crores for the year 2017-2018 for modernization of the Tamil Nadu Police Force by purchase of Walkie Talkie sets.

4. According to the petitioner, the total requirement was for 10000 Walkie Talkie sets. The Directorate of Tamil Nadu Police called for tender for the supply of 4000 Walkie Talkie sets for Chennai Police alone. There was also requirement of Walkie Talkie sets for the city of Tiruchirapalli. Though it is not clear from the affidavit in support of the writ petition, it appears that later another tender or alternatively corrigendum was issued for the balance 6000 sets. According to the petitioner, Motorola Solution India Private Limited submitted tender quoting Rs.83.45 crores, that is Rs.35.89 crores higher than the sum of Rs.47.56 crores allocated by the Government.

5. It is the case of the petitioner in paragraph (7) that there are two different technologies for operation of Walkie Talkies and the Walkie Talkie sets of the kind ordered by the Tamil Nadu Police are difficult to operate and that such Walkie Talkie sets are not in use in other States in India. The sets are not effective. Questions have also been raised with regard to the price of the Walkie Talkie sets, even though from the language and tenor of the affidavit it is not clear whether the Walkie Talkie sets have actually been procured or are going to be procured. According to the petitioner, the value fixed for

each Walkie Talkie set is exorbitant.

6. Allegations have been made with regard to integrity of Director General of Police, Tamil Nadu, which are apparently based partly on news report and partly on hearsay. According to the petitioner, he read a report in the India Today under the caption "Tamil Nadu DGP lands in trouble over violations of Walkie Talkie tender". The report has not been included in the typed set of papers. According to the petitioner, the Additional Chief Secretary has questioned the procurement citing tender violation which has landed the Director General of Police in trouble.

7. We are unable to appreciate how a social worker, who claims to be a Post Graduate in History, with no kind of technical education, can possibly have knowledge of which kind of Walkie Talkie is easier to operate, which is a more suitable Walkie Talkie and whether the price fixed for the sets is fair price or not? Significantly, there is no reference to any other comparable price.

8. It is also not understood what public interest people in general can have with regard to the kind of Walkie Talkies which are to be used by members of the police force. There can be no doubt that citizens, as a body, have a right to stop illegality in procurements or sales and distribution of largesse resulting in wastage of public money and to ensure that taxpayers' money is properly spent. However, on the basis of totally vague allegations based on hearsay, when as per the petitioner's own pleadings, he has no technical expertise, such a writ petition, cannot be entertained. If, as alleged, the Additional Chief Secretary has questioned the procurement, it is for the Government to take steps in accordance with law.

9. In an application under Article 226 of the Constitution of India, the onus is on the writ petitioner to establish entitlement to the reliefs claimed. The writ petition in this case is totally vague and devoid of any material particulars whatsoever. It is not the case of the petitioner that higher tenders have been accepted in preference to lower tenders. This writ petition has been filed by way of public interest litigation. With the emergence of the class of public interest litigations, the concept of locus standi has been diluted. However, the petitioner has to discharge his onus of substantiating his claim to the reliefs prayed for. The writ petitioner has hopelessly failed to discharge his onus to substantiate his claim to the reliefs prayed for. The writ petition does not make out any cause of action.

10. In S.P.Gupta v. Union of India, reported in 1981 Supp SCC 87, the Supreme Court held that the relaxation of the rule of locus standi in the field of public interest litigation does not give any right to a busybody or meddlesome interloper to approach the Court under the guise of a public interest litigation.

11. As held by the Supreme Court in Dattaraj Nathuji Thaware v. State of Maharashtra and others, reported in (2005) 1 SCC 590, public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest, an ugly private malice, vested interest and/or publicity seeking is not lurking. It is to be used as an effective weapon in the armoury of law for delivering social justice to citizens. The Court has to be satisfied about the credentials of the application and the prima facie correctness or nature of information given by him. The information should not be vague and indefinite as in this case. The time has come to weed out petitions which though titled as public interest litigations are in essence something else and waste the valuable judicial time.

The writ petition is thoroughly misconceived, vexatious, irresponsible and liable to be dismissed with exemplary costs for wasting the Court's time. However, considering that the application has been disposed of at the admission stage, without calling for affidavits from the respondents, we do not deem it necessary to impose cost.

Sd/-

Assistant Registrar (CS VIII)

//True copy// सत्यमेव जयते

Sub Assistant Registrar

jvm
To:

1. The Chief Secretary,
Government of Tamil Nadu,
Fort St. George, Chennai-600 009.
2. The Secretary,
Home Department,
Government of India, New Delhi.

3.The Secretary,
Home Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.

4.The Director of Vigilance & Anti-Corruption,
293, MKN Road, Alandur, Chennai-600 016.

5.Director General of Police,
Government of Tamil Nadu,
Kamarajar Salai, Chennai-600 004.

W.P.No.2231 of 2018

SVI (CO)
GN(27/02/2018)



WEB COPY