

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.09.2018

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.1262 of 2018
and

W.M.P.No.1567 of 2018

N.Ibrahim

...Petitioner

vs.

1.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

2.The District Collector,
Cuddalore District,
Cuddalore - 607 001.

3.The Superintendent of Police,
Cuddalore District,
Cuddalore - 607 001.

4.The Chief Engineer,
Public Works Department,
Cuddalore District, Cuddalore-1.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, forbearing the respondents herein their men agents or servants from shifting the police station from Mantharakuppam to some other place viz., Seplanathan Village, Viruddhachalam Village in Survey No.8/3 an extent of 2.935 hectares which is far away about 6 kilometers from Mantharakuppam, Cuddalore District.

For Petitioner : Mr.R.Muralidharan

For R1 to R4 : Mr.E.Manoharan
Additional Government Pleader.

ORDER

(Order of the Court was made by SUBRAMONIUM PRASAD, J)

Mr.N.Ibrahim, District Secretary of Manithaneya
Jandayaga Katchi of Cuddalore North/writ petitioner herein,

has filed instant writ petition for a Mandamus, restraining the respondents from shifting the Police Station from Mantharakuppam to some other place viz., Seplanathan Village, Viruddhachalam Village in Survey No.8/3 to an extent of 2.935 hectares, which is far away about 6 kilometers from the present site.

2. According to the petitioner, the Police Station was established at Mantharakuppam. It was functioning for the last 50 years. The petitioner submits that there are Banks, Schools, ATM, Community Hall, Lodges, Private Finance Companies, Government Offices, Railway Station, State Bus Stand, E.B. Office, BSNL Telephone Exchange, Telephone Towers, Market, Mask, Temples, Churches, Cinema Theatres, Parks, Petrol Bunks, N.L.C. India Limited, Mines-2 Entrance Gate, Town Panchayat Offices, Two Wheeler and Car show rooms, Election Booths, N.L.C. Employees quarters, about 1500 shops are near the Mantharakuppam Police Station (present site) and it is not in public interest to shift the Police Station to a place which is 6 kms away.

3. The State Government has filed his counter affidavit, it has been averred as under:-

"(i) It is submitted that W-1, Mandharakuppam Police Station was opened on 16.03.1955 at RPS Road, Cuddalore - Vridhachalam Main Road in the place belonging to M/s Neyveli Lignite Corporation. The Police Station was functioning in the said place upto 1988. Thereafter, the said Police Station was shifted in 1989 to Gangaikondan Village near Mariamman Koil at Mandharakuppam, where it functioned from 1989 to 2011 and this land also belongs to M/s Neyveli Lignite Corporation Limited. Due to extension of Mines-1, the Neyveli Lignite Corporation required the said place and hence the Police Station was shifted to a building constructed in front of the Playground of Boys High School at Mandharakuppam on 10.12.2012, which also belongs to Neyveli Lignite Corporation and till date of Police Station is functioning in the said building.

(ii) It is submitted that it is to be noted that for the last 60 years, Mandharakuppam Police Station has been functioning in a rented building which belongs to N.L.C. It is submitted that the new Police Station building would be only four kilometers away from the present temporary Police Station functioning place. In Mandharakuppam vicinity, according to revenue land survey measurements, there are no revenue lands that can be availed or make use for official purpose, in and around 5 kilometers and

all lands in this vicinity belong to Neyveli Lignite Corporation.

(iii) It is submitted that the Director of Police, Tamil Nadu has sent the proposals to the Government of Tamil Nadu and requested to accord administrative and financial sanction for the construction of new building for construction of 79 Police Stations including Mandharakuppam Police Station, Cuddalore District which are functioning in private buildings. After detailed examinations of the reasons stated by the Director General of Police, the Government of Tamil Nadu accorded administrative sanction for construction of 79 Police Stations including Mandharakuppam Police Station, Cuddalore District. Vide G.O.Ms.No.372, Home (Police X) Department dated 29.4.2015 and allotted Rs.50 Crores in the Budget announced by the Government of Tamilnadu.

(iv) It is submitted that this respondent searched for suitable land for construction of Mandharakuppam Police Station and finally this suitable land was identified and allotted by the District Collector, Cuddalore District in Survey No.8/3 to an extent of 30 cents in Seplanatham Village, Vridhachalam Taluk, Cuddalore District and this land is suitable for construction of Mandharakuppam Police Station and accordingly requested the District Collector, Cuddalore to transfer the said land to Police Department so as to enable to construct the Police Station.

(v) It is submitted that in G.O.Ms.No.296, Home (Police X) Department, dated 5.4.2017 the Government have accorded Financial sanction on the basis of the same, the Director General of Police allotted Rs.83,67,000/- for construction of Mandharakuppam Police Station. Vide Rc.No.76413/Bldgs.II(1)/2015, dated 25.9.2017 and handed over the site to the Assistant Executive Engineer, Tamil Nadu Police Housing Corporation Limited, Cuddalore. Accordingly, the Tamil Nadu Police Housing Corporation Limited has started the construction of Mandharakuppam Police Station at the above said land and now the Police Station is structurally completed and the rest of the construction will be completed within three months and be available for occupation/functioning.

(vi) It is submitted that the proposed place for new Police Station is being surrounded by seven Panchayat Unions which consists of 25 different Villages with the approximate total

population of 27,400 people at large and other villagers. The new building is also having close contact with the campus of one Government High School in Seplanatham South Panchayat Union, Vivekananda Polytechnic, Vivekananda School of Education in the same Panchayat Union (North) and another School for Mentally challenged persons in Periyakurichi Panchayat Union which is very nearer to the present building whereas near the old building of Mandharakuppam Police Station, only four Panchayat Unions are available which consists of 23 Villages with population of 18,700 people and other Villagers.

(vii) It is submitted that in the building in which the Mandharakuppam Police Station is functioning, presently there is no sufficient place for men Lockup, women Lockup, Arms Room, Property Room, Record Room, Visitors Room, Inspectors Room, Sub Inspector (Law and Order) Room, Sub-Inspector (Crime) Room and toilet facilities. When the new building is completed, the above facilities will be available which will lead to smooth administration of law and order situation in the area. Further, the present Police Station building is located in the small portion of School Play ground of NLC and the Police is not able to control the general public at times who enter into the ground which raises safety issues. If the new police station is constructed in the above said land, these type problems will not arise.

(viii) In the vicinity of proposed new building, there are other crimes that have been reportedly committed, which as mentioned year wise are as follows: In the year 2017, Fatal Cases No.7, Non-Fatal Cases No.30, Crime (theft) cases No.3, other Hurt Cases No.12. In the year 2018, Fatal Cases No.1, Non-Fatal Cases No.6, Other Hurt Cases No.2. In further the ratio of fatal and other accident cases in the High ways as well as the communal clashes and other quarrels between individuals may be effectively controlled by manning in the New Police Station."

4. Heard learned counsel for both sides and perused the materials available on record.

5. The Writ Petition is completely mis-conceived. It is for the Government decide as to where a Police Station has to be established.

6. It is well settled that, public interest litigation or PII as it is more commonly known, entered the Indian judicial

process in 1970. It was intended to mean nothing more than what words themselves said viz. "litigation in the interest of the public". It is primarily the judges who have innovated this type of litigation as there was a dire need for it. PIL was not meant to be adversarial in nature and was to be a cooperative and collaborative effort of the parties and the court so as to secure justice for the poor and the weaker sections of the community who were not in a position to protect their own interests. There is, in recent years, a feeling which not without any foundation that public interest litigation is now tending to become publicity interest litigation or private interest litigation and has a tendency to be counterproductive. PIL is not a pill or a panacea for all wrongs. It was essentially meant to protect basic human rights of the weak and the disadvantaged and was a procedure which was innovated, where a public spirited person files a petition in effect on behalf of such persons who on account of poverty, helplessness or economic and social disabilities could not approach the court for relief. There have been, in recent times, increasing instances of abuse of PIL. Therefore, there is a need to re-emphasize the parameters within which PIL can be resorted to by a petitioner and entertained by the court.

7. Whenever the court has interfered and given directions while entertaining PIL it has mainly been where there has been an element of violation of Article 21 or of human rights or where the litigation has been initiated for the benefit of the poor and the underprivileged who are unable to come to court due to some disadvantage. In those cases also it is the legal rights which are secured by the courts. However, a public interest litigation was not meant to be a weapon to challenge the financial or economic decisions which are taken by the government in exercise of their administrative power. No doubt a person personally aggrieved by any such decision, which he regards as illegal, can impugn the same in a court of law, but a public interest litigation at the behest of a stranger ought not to be entertained. Such a litigation cannot per se be on behalf of the poor and the downtrodden, unless the court is satisfied that there has been violation of Article 21 and the persons adversely affected are unable to approach the court.

8. Judicial interference by way of PIL is available if there is injury to public because of the dereliction of constitutional or statutory obligations on the part of the government. Here it is not so and in the sphere of economic policy or reform the court is not the appropriate forum. Every matter of public interest or curiosity cannot be the subject-matter of PIL. Courts are not intended to and nor should they conduct the administration of the country. Courts will interfere only if there is a clear violation of constitutional or statutory provisions or non-compliance by the State with its constitutional or statutory duties. None

of these contingencies arise in the present case.

9. Court cannot administer the functioning of the Government. The Government has given ample reasons as to why the decision was taken to shift the Police Station.

10. This writ petition is a completely abuse the process of law and it is attract only for publicity. It is a complete waste of Judicial time. However, we decide to take a lenient view and not to impose costs.

11. Writ petition is dismissed. No Costs. Consequently, the connected writ miscellaneous petition is closed.

dm/pkn

Sd/-
Assistant Registrar (CO)

// True Copy//

Sub Assistant Registrar

To

- 1.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
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- 3.The Superintendent of Police,
Cuddalore District,
Cuddalore - 607 001.
- 4.The Chief Engineer,
Public Works Department,
Cuddalore District, Cuddalore-1.

+ 1 cc to Mr.R.Muralidharan, Advocate Sr 62046

+ 1 cc to The Govt. Pleader, Sr 62180

KR/15/10/18

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