

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2018

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND

THE HONOURABLE Dr.JUSTICE ANITA SUMANTH

W.P.No.17640 of 2017

G.K.Mani
President
Pattali Makkal Katchi (P.M.K)
No.63 Nattumuthu Naiken Street
Teynampet Chennai-600 018

Petitioner

Versus

- 1 The State of Tamil Nadu
rep by the Chief Secretary to Government
Secretariat Chennai-600 009
- 2 The Principal Secretary to Governor
Governors Secretariat
Raj Bhavan Chennai
- 3 The Speaker
Tamil Nadu Legislative Assembly
Fort St. George Chennai-600 009
- 4 The Tamil Nadu Legislative Assembly
Rep by Secretary Fort St. George
Chennai-600 009
- 5 The Director
Central Bureau of Investigation
New Delhi
- 6 Mrs.Sasikala
General Secretary
All India Anna Dravida Munnetra Kazhagam
Avvai Shanmugam Salai
Royapettah Chennai-600 014
- 7 Mr.Edapadi K.Palanisamy
Chief Minister of Tamil Nadu
Secretariat Fort St. George
Chennai-600 009

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 5th respondent or any other independent agency to investigate the money and gold paid to the ruling party and its supporting MLAs for swaying votes in favour of the 7th respondent's confidence motion, which was moved by him in the Legislative Assembly of Tamil Nadu on 18.2.2017 and to file the report before this Honourable Court to take further course of action under the Penal Law.

For petitioner : Mr.R.Jothimanian

For RR1 and 2 : Mr.Jayaprakash Narayanan,
Government Pleader (In charge)

ORDER

(Order of the court was made by Dr.VINEET KOTHARI, J.)

Petitioner, Mr.G.K.Mani, claiming to be the President of Pattali Makkal Katchi (P.M.K.), has filed this writ petition in PIL jurisdiction of this court under Article 226 of the Constitution of India, seeking a direction against the CBI and other Authorities of the Government to take appropriate action in the matter of allegations made for money paid and gold given to the Ruling Party and its supporting MLAs for swaying votes in favour of Mr.Edapadi K.Palanisamy in the Confidence Motion.

2. Having heard the learned counsel appearing for the petitioner, we are of the considered opinion that the present writ petition does not have any public interest for which the petitioner can invoke the jurisdiction of this court under Article 226 of the Constitution of India. There is neither any evidence nor any specific allegations and only bald allegations are made in the writ petition alongwith a few Newspaper cuttings and Press Reports, which have no evidentiary value.

3. It is also brought to our notice that a Writ Petition of the similar nature viz., W.P.No.16181 of 2017 filed by one Traffic Dr.K.R.Ramaswamy against the Secretary Office of the President of India and others was dismissed by a co-ordinate Bench of this court on 3.7.2017. The relevant portion of the said order is quoted below:-

"The demand/request is totally contrary to the constitutional provisions. It is not for the Chief Justice or for that matter any Judge to preside over Assembly proceedings. The prayer is totally repugnant to the scheme of the Constitution and, in particular, separation of powers envisaged under the Constitution. The allegations are vague and devoid of any particulars.

The writ petition is, therefore,
dismissed. No costs. Consequently,
W.M.P.No.17478 of 2017 is closed."

4. In view of the above, we are of the view that this writ
petition is liable to be dismissed and accordingly, the same is
dismissed. No costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

ssk.

To:

- 1 The Chief Secretary to Government
State of Tamil Nadu
Secretariat Chennai-600 009
- 2 The Principal Secretary to Governor
Governors Secretariat
Raj Bhavan Chennai
- 3 The Speaker
Tamil Nadu Legislative Assembly
Fort St. George Chennai-600 009
- 4 The Secretary
Tamil Nadu Legislative Assembly
Fort St. George
Chennai-600 009
- 5 The Director
Central Bureau of Investigation
New Delhi

+1 CC to Mr.K. Balu, Advocate sr 85611.

W.P.No.17640 of 2017

RK(CO)
SP(04/01/2019)