

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2019

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THE HONOURABLE MR.JUSTICE S.MANIKUMAR
And
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.2051 of 2019

S.Natarajan

... Petitioner

Vs.

1.The Additional Chief Secretary,
Govt. of Tamilnadu,
St. George Fort,
Chennai - 600 009.

2.The Principal Secretary to the Govt. of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

(R2 suo motu impleaded vide order
dated 30/01/19, made in WP.2051/19
by MSNJ & PRMJ)

.... Respondents

Prayer: Writ petition filed under Article 226 of the
Constitution of India, praying to issue Writ of Mandamus
directing the respondent to consider and dispose representation
dated 04.12.2018.

For Petitioner : Mr.S.Natarajan

For Respondents : Mr.Akhil Akbarali for R1 and R2
Government Advocate

O R D E R

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

The petitioner, an Advocate, has filed the instant public
interest litigation praying direction for disposal of his
representation dated 04.12.2018 for implementation of G.O.(Ms)
No.891 dated 30.11.2017, under which the Government has fixed
'parking charges' in the malls/ theatres in the State of Tamil

Nadu. According to the petitioner, public is made to pay exorbitant charges, more than the prescribed rate for parking in various cinema theatres. The representation also brings out that the food is sold at very high rate in cinema theatres and malls.

2.To substantiate the allegations, the petitioner has filed only one parking ticket dated 02.12.2018, issued by 'PMC Valet, Chennai', wherein a sum of Rs.135/- has been charged for parking. The petitioner has not even bothered to collect the details about the amount that is being charged in a few places in the State of Tamil Nadu and has infact has asked the Court to conduct a roving enquiry and collect details about the parking charges that are being collected from the public.

3.It is settled law that roving enquiries should not be conducted in public interest litigations without there being any material to substantiate the averments. The High Court should not engage itself in a fact finding enquiry. The pleadings have to be specific and there must be some materials to substantiate the allegations in the writ petition. Infact, the High Court has framed Rules bringing out that there should be necessary averments in the writ petition, supported with documents. Notification dated 26.07.2010 reads as under:

"NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

JUDICIAL NOTIFICATION

Rules to Regulate the Public Interest
Litigations filed under Article 226 of the
Constitution of India
(Roc.No.670-A/2010/F-1.)

No.SRO C-2/2010.

By virtue of Article 225 of the Constitution of India and of all other powers hereunto enabling, the High Court makes the following Rules to regulate Public Interest Litigations (PIL) filed under Article 226 of the Constitution of India:

Every Public Interest Litigation must be filed in accordance with the following rules:-

1. Every PIL must indicate that the petitioner has no personal interest in the case. If he has any personal interest, he must disclose the same. In the event of the

High Court finding the claim as frivolous or vexatious, the PIL shall be dismissed with exemplary cost.

2. If the PIL is filed on behalf of a class of persons, the details of the persons for whose benefit the PIL is filed, must be indicated. If it is a society or association of persons, the writ petitioner must enclose a resolution from such society or association of persons, authorising the petitioner to file the writ petition and if the body is duly registered with competent authority, a copy of the bye-laws of the said body authorising the petitioner to file the writ petition, shall be enclosed.

3. If the petitioner has filed any PIL earlier, the details of the petition, and the final order, if any, passed in that petition, the relief granted and costs, if any, awarded, shall be indicated. No Public Interest Litigation Petition will be entertained in respect of civil disputes between individuals or in service matters. The petitioner shall give an undertaking that he will pay the costs, if any, if it is found to be intended for personal gain or oblique motive.

4. The petitioner must disclose whether he has filed the petition out of his own funds or from other sources. If it is the latter, the particulars should be given.

5. The petitioner must state in the affidavit that to his knowledge, no PIL arising on the same issue, has been filed anywhere.

6. The affidavit filed by the petitioner must contain the averments that he has filed the writ petition based on his information and his personal knowledge. If he has filed the writ petition based on an information received from any other source, he must clearly indicate the source. If it is a newspaper report, the affidavit shall clearly state as to whether the deponent has verified the facts by personally visiting

the place or talking to any responsible person or Reporter or Editor of the newspaper concerned.

7. If the petitioner has given any representation to any authority, a copy of the same shall be filed in the typed set of papers along with reply, if any, received from the authority. He shall file the proof of service of representation before the Court.

The above rules will not be applicable to the Public Interest Litigations taken on file by the High Court suo motu.

High Court, Madras, S.Vimala,
26th July 2010. Registrar-General."

4.A perusal of these Rules mandates the petitioner to state that he has filed writ petition based on information and personal knowledge and if the writ petition is based on information received from other source, the petitioner must clearly indicate the source and if it is a newspaper report, the affidavit must clearly state as to whether the deponent has verified the facts by visiting the place.

5.Apart from making a bald statement that the public is made to pay exorbitant charges for parking in cinema theatres and the food is priced at very high rates inside the cinema halls and malls, the writ petition is completely bereft of material particulars. The writ petition therefore cannot be entertained.

6.The writ petition is accordingly dismissed. No order as to costs.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To

1.The Additional Chief Secretary,
Govt. of Tamilnadu,
St. George Fort,
Chennai - 600 009.

2.The Principal Secretary to the Govt. of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

+1cc to Mr.S.Natarajan, Advocate SR.No.

+1cc to Government Pleader, High Court, Madras SR.No.15763
W.P.No.2051 of 2019

MR(CO)
GMY(27/03/2019)



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