

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 7/2/2019

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition No.3666 of 2019

Kongu Nadu Saandror Kula Nadar

Munnetra Sangam

rep. by its President

Mr.P.Venkatesh

No.14/2A Kumaresapuram, Street No.7

Thiruchengode

Namakkal District 637 211.

...Petitioner

Vs

1.State

rep. by the Chief Secretary

Fort St. George

Chennai 600 009.

2.The Secretary

Department of Municipal Administration

and Water Supply

Fort St. George

Chennai 600 009.

3.The District Collector

Erode District.

4.The Municipal Commissioner

Gobichettipalayam Municipality

Gobichettipalayam

Erode District.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to inscribe the name of the former Chief Minister of Tamil Nadu Late.Sri.K.Kamaraj for the reconstructed modern arch, replacing the old 1958 year arch at Korattur in Erode to Sathiyamangalam road in the entrance of Gobichettipalayam Municipality area, Gobichettipalayam, Erode District.

For petitioner

... Mr.P.T.Perumal

For respondents

... Mr.E.Manoharan

Additional Government Pleader

O R D E R

(Order of the Court was made by Subramonium Prasad,J)

The present Public Interest Litigation has been filed, under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, directing the respondents to inscribe the name of the former Chief Minister of Tamil Nadu Late.Sri.K.Kamaraj, on the reconstructed modern arch, replacing the old 1958 year arch, at Korattur, in Erode at the entrance of Gobichettipalayam Municipality area, Gobichettipalayam, Erode District.

2. Petitioner claims to be a Society, established in the year 2017, carrying on charitable activities and rendering services, in Kongu Districts, viz., Karur, Coimbatore, Nilgiris, Erode, Namakkal, Salem, Dharmapuri and Krishnagiri Districts. Petitioner submits that two arches were constructed on the two sides of the entrance of Gobichettipalayam Municipality area. One of them at Erode to Sathyamangalam road, near Korattur was opened by the then Chief Minister Late Shri.K.Kamaraj. On 23/3/2017, a lorry hit the arch and the arch fell down. Local Municipal Administration has decided to construct a new arch in the same place. Petitioner now demands that the respondent to restore the arch with the name of Late Shri.K.Kamaraj.

3. Heard Mr.P.T.Perumal, learned counsel for the petitioner and Mr.E.Manoharan, learned Additional Government Pleader for the respondents.

4. Of late, we can notice a growing trend in the abuse of public interest litigation. Public Interest Litigation was intended to secure the justice for poor and the weaker section of the community, who were not in a position to protect their own interests.

5. The Hon'ble Supreme Court, has time and again, observed that there is, in recent years, a feeling which is 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. {Refer BALCO EMPLOYEES' UNION (REGD) Vs. UNION OF INDIA AND OTHERS {2002 (2) SCC - 333}.

6. The present writ petition cannot be said to be in public interest. This petition seems to be purely motivated by a desire to seek publicity. In fact, the Hon'ble Supreme Court, has held that by filing vexatious and frivolous petitions, the queue standing outside the doors of the Court never moves which piquant situation creates frustration in the minds of the genuine litigants and resultantly, they lose faith in the administration of judicial system.

7. A reading of instant writ petition would show that there is nothing in this petition which can be said in public interest. It does not advance any cause of the poor and down trodden. It is not for the Court to decide or pass mandamus as to whose name must be inscribed in the arch.

8. As stated earlier, this petition is nothing but an abuse of process of law and the same is dismissed, with costs of Rs.15,000/- (Rupees Fifteen thousand only), to be paid to the Tamil Nadu Juvenile Justice Fund, Ministry of Social Defence, Kellys, Chennai, within a period of ten days, from the date of receipt of a copy of this order. Failing which, the District Collector, Erode District, is permitted to take proceeding against the Revenue Recovery Act. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mvs.

To

1.The Chief Secretary
Fort St. George
Chennai 600 009.

2.The Secretary
Department of Municipal Administration
and Water Supply
Fort St. George
Chennai 600 009.

3.The District Collector
Erode District.

4.The Municipal Commissioner
Gobichettipalayam Municipality
Gobichettipalayam
Erode District.

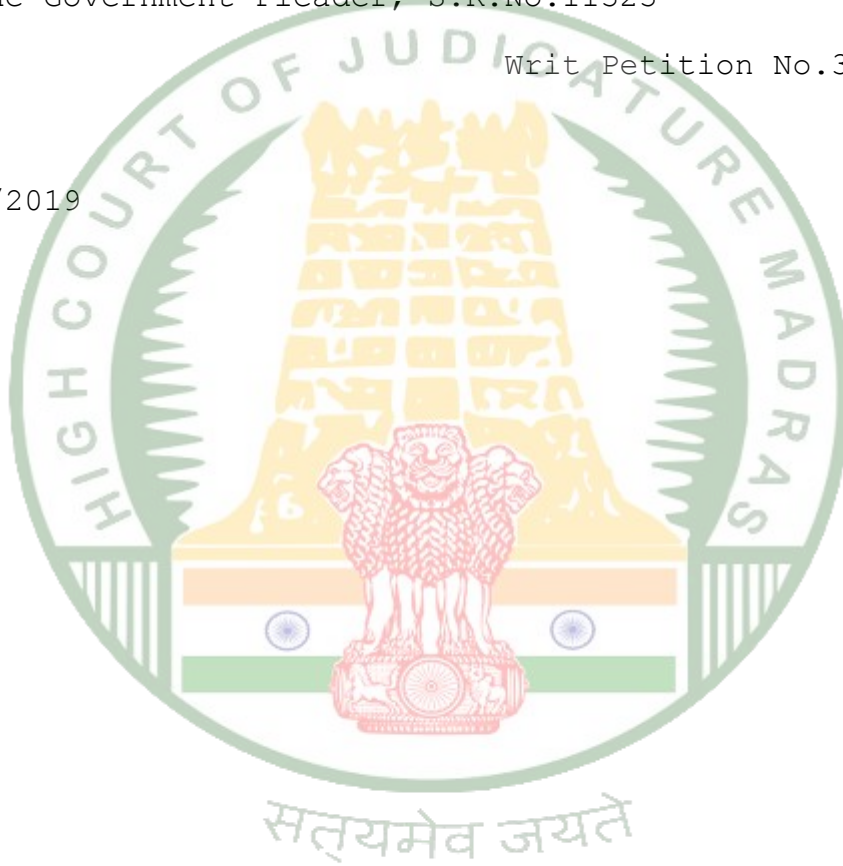
5.The Secretary,
TamilNadu Juvenile Justice Board,
Ministry of Social Defence,
Kellys, Chennai.

+2ccs to Mr.P.T.Perumal, Advocate, S.R.No.11241
+1cc to the Government Pleader, S.R.No.11323

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PA(CO)

rrs 18/03/2019



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