

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 6/3/2019

C O R A M

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

Writ Petition No.6274 of 2019

Dr. Ambedkar Renaissance Association (Reg.)
rep. By its Legal Advisor
Mr.M.John Paul
Advocate
Chennai 104. Petitioner

Vs

1. The Home Department
rep. By its Secretary
Namakkal Kavignar Maaligai
Fort St. George
Chennai 600 009.
2. The District Collector
Office of the District Collector
Thiruvallur District. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to dispose of the representation dated 11/10/2018 pending on the file of the respondents in accordance with law.

For petitioner .. Mr.M.Jaikumar
For respondents .. Mr.E.Manoharan
Additional Government Pleader

O R D E R

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

Instant writ petition has been filed, to direct the respondents, to dispose of the representation, dated 11/10/2018,

pending on the file of the respondents, in accordance with law. Petitioner, in his representation, has requested the State, to declare the birth anniversary of Dr.Poovai Moorthiyar, as local holiday of Thiruvallur District.

2. Heard Mr.M.Jaikumar, learned counsel for the petitioner and Mr.E.Manoharan, learned Additional Government Pleader for the respondents.

3. 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 are not in a position to protect their own interests.

4. 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}.

5. 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.

6. Petitioner Association has no right to claim that birth anniversary of Dr.Poovai Moorthiyar should be declared as a holiday. 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.

7. It is also well settled that unless there is any right, representation of the petitioner need not be considered by the Government nor the High Courts direct the State Government to consider the representation given for enforcement of any right,

which may be constitutional, statutory, customary or any other recognised right.

8. In view of the above, this petition is nothing but an abuse of process of law and accordingly, the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mvs

To

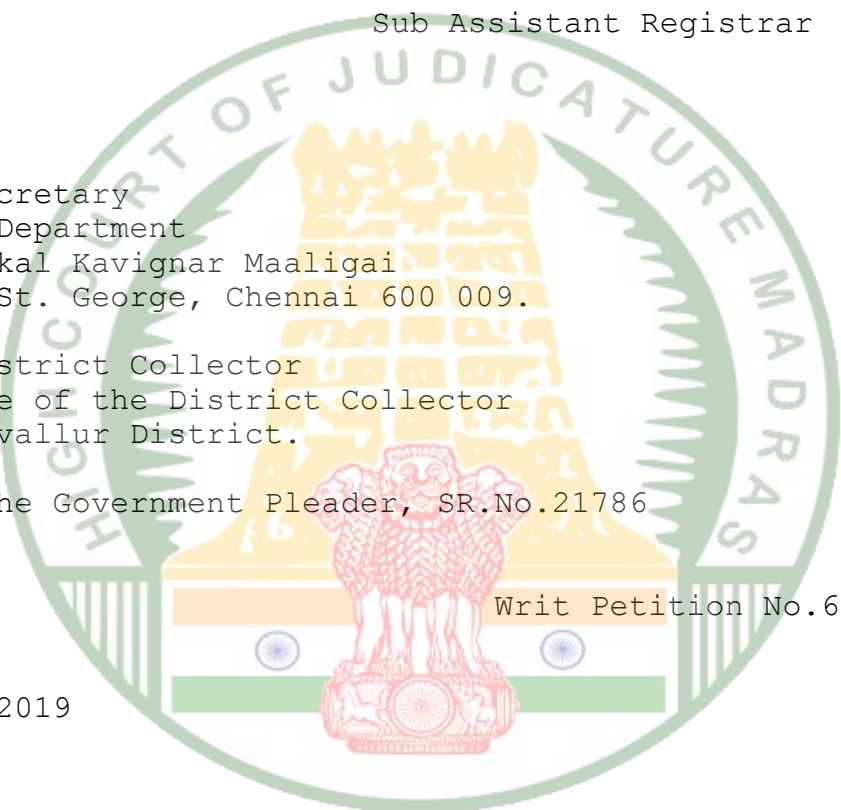
1. The Secretary
Home Department
Namakkal Kavignar Maaligai
Fort St. George, Chennai 600 009.

2. The District Collector
Office of the District Collector
Thiruvallur District.

+1 cc to The Government Pleader, SR.No.21786

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CP(CO)
CSL/09.04.2019



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