

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.08.2019

C O R A M

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

W.P.No.12681 of 2018
and
W.M.P.Nos.14813 and 14814 of 2018

S.P.Mullai

.... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. by Chief Secretary to Government,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Principal Secretary to Government,
Municipal Administration and Water Supply
(ME-II) Department, Secretariat,
Fort St.George, Chennai - 600 009.
- 3.The Commissioner of Municipal Administration,
6th floor, Ezhilagam, Chepauk,
Chennai - 600 005.
- 4.The Commissioner,
Palladam Municipality,
Palladam,
Tiruppur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3, to take suitable action against the 4th respondent, on the basis of the petitioner's representation dated 13.05.2018 for the acts of culpable negligence indulging of official duty and further direct the respondents to pay suitable compensation to the families of deceased Ashokkumar and injured Venkatesh.

For Petitioner : Mr.L.Chandrakumar
for Mr.M.Gnanasekar

For R1 to R3 : Mr.Akhil Akbar Ali
Government Advocate.

For R4 : Mr.M.Elumalai
Government Advocate.

ORDER

(Order of the Court was made by S.MANIKUMAR, J)

Mrs.S.P.Mullai/Advocate, has filed the instant public interest writ petition, for a Mandamus, directing respondents 1 to 3, to take suitable action against the 4th respondent on the basis of her representation, dated 13.05.2018 for the acts of culpable negligence indulging of official duty and sought for a further direction to the respondents, to pay suitable compensation to the families of deceased/Ashokkumar and injured/Venkatesh.

2. Perusal of the supporting affidavit shows that, there was a news item on 12.05.2018 that due to heavy rain in Palladam, Tiruppur District, a sunshade of the toilet fell down on two persons, due to which, one Ashokkumar, died and another namely Venkatesh, sustained injuries.

3. Petitioner has contended that the Inspector of Police, Palladam, has taken the corpse and proceeded with further investigation. Thereafter, the petitioner is said to have sent a representation, dated 13.05.2018 to the Chief Secretary, Government of Tamil Nadu, Chennai, and others.

4. Contending inter alia that, life and liberty of the abovesaid persons, namely, Ashokkumar/deceased and Venkatesh/injured, have been infringed, due to the negligence of the officials of the Commissioner, Palladam Municipality, Tiruppur District/the 4th respondent herein, instant writ petition has been filed on 15.5.2018, for the relief, stated supra.

5. Supporting the prayer sought for, Mr.L.Chandrakumar, learned counsel representing Mr.M.Gnanasekar, counsel on record for the petitioner made submissions. Petitioner as a lawyer, filed this writ petition, purely based on newspaper report. No sooner, she has noticed a news item, on her own, she appears to

have sent a representation, dated 13.05.2018 to the respondents, to pay compensation, for the death of Mr.Ashokkumar and to Mr.Venkatesh for the injuries sustained by him.

6. Perusal of the supporting affidavit, does not indicate, as to whether what were the nature of injuries, alleged to have been sustained by Mr.Venkatesh. Before the ink could dry, petitioner has filed the writ petition within two days, claiming the relief, stated supra.

7. At this juncture, we deem it fit to consider the Circular No.SRO C-2/2010, dated 26.07.2010, issued by the High Court, Madras, setting out the guidelines for filing a public interest writ petition. The said circular, reads thus:-

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 accordingly 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,
VIMALA,
26th July 2010.
Registrar-General.

S.

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

JUDICIAL NOTIFICATIONS

Amendment to the Rules to regulate the Public Interest
Litigations

Framed by the High Court.

(R.O.C.No.4452-A/2014/F1)

No.SRO C-7/2015.

By virtue of Article 225 of the Constitution of India and of all other powers hereunto enabling, the High Court makes the following amendment to Rule 4 of the Rules to regulate the Public Interest Litigations filed under Article 226 of the Constitution of India as published in Tamil Nadu Government Gazette, Part III-Section 2, Issue No. 31, dated 11-08-2010.

AMENDMENT:- For Rule 4, the following Rule shall be substituted namely-

"4. The petitioner must disclose his avocation, annual income and other particulars as to whether he is an Income Tax Assessee or not? If he is an Assessee, he must furnish the PAN number. The petitioner must also 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.

High Court, Madras,
6th January 2015.
General.

P. KALAIYARASAN,
Registrar

8. Supporting affidavit, does not satisfy the requirements of a public interest writ petition.

9. For the reasons stated supra, writ petition is dismissed. No Costs. Dismissal of the writ petition, would not preclude the injured to claim compensation, if so advised in the manner known to law. Mrs.A.Saraswathy, wife of deceased/Mr.S.Ashokkumar, has filed W.P.No.33517 of 2018, for claiming compensation. At this juncture, plea of the petitioner, claiming for compensation for the wife in W.P.No.12681 of 2018, is not required to be adjudicated. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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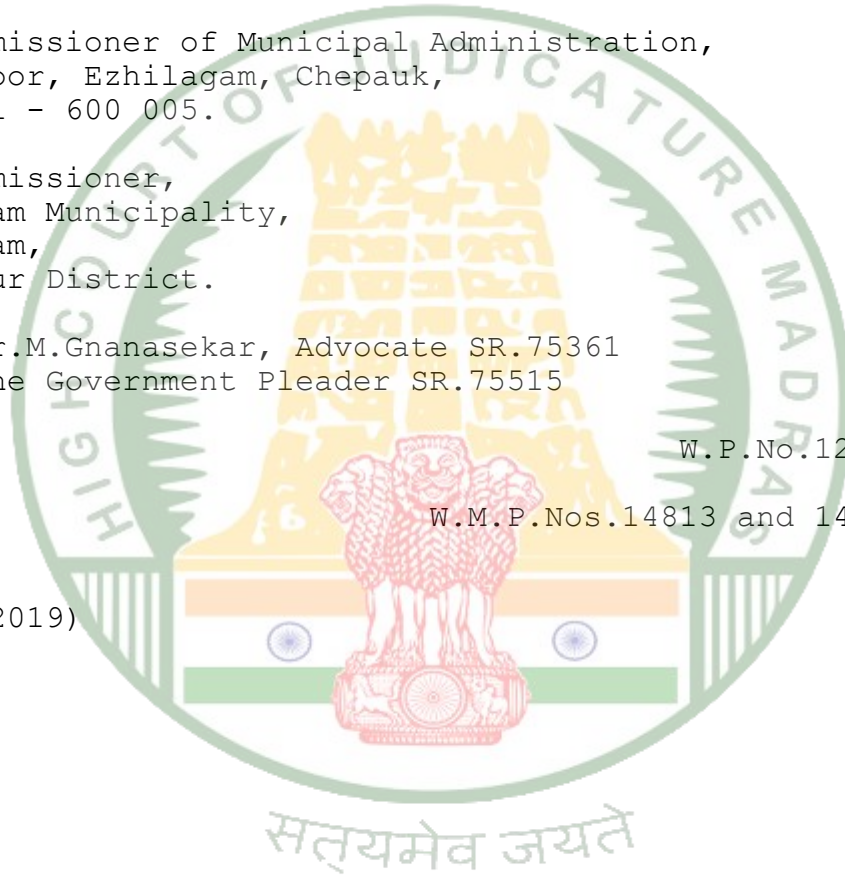
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Tiruppur District.

+lcc to Mr.M.Gnanasekar, Advocate SR.75361
+lcc to the Government Pleader SR.75515

W.P.No.12681 of 2018
and

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PP(CO)
CB(15/10/2019)



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