

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2019

CORAM

:

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

WP.No.23676 of 2019

Mr.S.P.Selvaraj

... Petitioner

vs.

1. The Secretary to Government of Tamil Nadu,
Public Works Department,
Secretariat, Fort St. George,
Chennai - 9.

2. The Dist. Collector,
Salem District,
Salem.

3. The Assistant Director,
Geology and Mining,
Collectorate - 636 001,
Salem - 636 007.

.... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, directing the respondents to consider the representation given by the petitioner on 22.06.2019 to open the 70 sand quarries as announced by the Government and to cancel the online booking and control the fake permits and supply sand to registered sand lorry owners and to take action against who are transporting sand illegally.

For Petitioner : Ms.T.Sreelekha

For Respondents : Mr.E.Manoharan,
Additional Government Pleader.

ORDER

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

President of Salem District United Sand Lorry Owner's Association, has sought for an issuance of a writ of mandamus, directing the respondents to consider the representation given by the petitioner on 22.06.2019 to open the 70 sand quarries as announced by the Government and to cancel the online booking and control the fake permits and supply sand to registered sand lorry owners and to take action against who are transporting sand illegally.

2. Supporting the prayer sought for, petitioner has enclosed, representations dated 28.12.2017 and 24.06.2019 respectively, addressed to the Hon'ble Chief Minister.

3. On the prayer sought for, when Ms.T.Sreelekha, learned counsel for the petitioner was posed with a question as to the basis of the filing of the writ petition, answer to the same was that it was not on the basis of newspaper reports, but, only based on instructions and the representation of the petitioner, writ petition has been filed.

4. Heard Mr.E.Manoharan, learned Additional Government Pleader, who accepts notice on behalf of respondents.

5. In the matter of filing Public Interest Litigations, High Court, Madras, has issued notification in SRO C-2/2010 dated 26.07.2010, which is extracted hereunder.

"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"

6. Writ petition has not been filed with supporting documents, except the representation to state that the Hon'ble Chief Minister has announced opening of 70 sand quarries. Writ petition does not satisfy the requirements of a Public Interest Litigation. Hence, writ petition is dismissed. No Costs.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

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To

1. The Secretary to Government of Tamil Nadu,
Public Works Department,
Secretariat, Fort St. George,
Chennai - 9.

2. The Dist. Collector,
Salem District,
Salem.

3. The Assistant Director,
Geology and Mining,
Collectorate - 636 001,
Salem - 636 007.

+1cc to Mr.D.Rajagopal, Advocate SR.No.70962

+1cc to Government Pleader SR.No.70204

सत्यमेव जयते

WP.No.23676 of 2019

RSV (CO)
GMY (09/09/2019)

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