



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.9112 of 2019

P.Lakshmanan

... Petitioner

-vs-

1.The Secretary to Government,
Tourism, Culture and Religious and
Charitable Endowments Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkal High Road,
Chennai - 600 034.

3.The Executive Officer,
Arulmigu Meenatchi Amman Temple,
Madurai.

4.N.Naratajan,
The Executive Officer,
Arulmigu Meenatchi Amman Temple,
Madurai.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 and 2 to take appropriate action against the 3rd and 4th respondents for the fire accident took place at Arulmigu Sri Meenatchi Amman Temple, Madurai On 02.02.2018, by considering the petitioner's representation dated 27.01.2019.

For Petitioner : Mr.M.Natarajan

For Respondents : Mr.A.Muthukaruppan, AGP, for RR 1 and 2
Mr.V.R.Shanmuganathan, Spl.G.P.
for RR 3 and 4

O R D E R

[Order of the Court was made by S.S.SUNDAR, J.]

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This writ petition has been filed for issuance of a writ of mandamus, directing the respondents 1 and 2 to take appropriate action against the respondents 3 and 4 for the fire accident that



took place in Arulmigu Sri Meenatchi Amman Temple, Madurai on 02.02.2018.

2.The petitioner states that he is a native of Madurai and a member of Hindu Munnani and doing some social activities. It is not in dispute that in the historical temple, viz., Arulmigu Sri Meenatchi Amman Temple, Madurai, there was a fire accident on 02.02.2018. The third respondent is the ex-Executive Officer and the 4th respondent is the named individual functioning as the Executive Officer of the said Temple.

3.In the entire affidavit filed in support of the petition, the petitioner has not come forward with any specific allegation against the 4th respondent as to how he was wilfully negligent and responsible for the accident. The petitioner has not even produced the copy of first information report relating to the accident. Without even doing some search about the cause of accident, the petitioner has come forward with unfounded allegations. The petitioner expects this Court to conduct a roving enquiry and find out the possibility of third respondent's negligence.

4.Public Interest Litigation cannot be filed by merely throwing some allegations, without any material. The petitioner is expected to do some search and get minimum particulars before coming to Court. No one would expect a fire accident. It is only an accident that too happened during the night hours on 02.02.2018 and therefore, allegation cannot be made against anybody including the respondents 3 and 4 unless there is proper reason for holding them responsible for the accident. This writ petition is filed 15 months after the accident.

5.The learned Special Government Pleader appearing for the respondents 3 and 4 would submit that there is some one behind this litigation and that there is no bonafides. Though he seeks time to get instruction regarding the person, who is behind the litigation, this Court feels it unnecessary as this Court is of the view that the petitioner's bonafides are doubtful and there is no reason to entertain this writ petition without any material.

6.Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (T & P)

// True Copy //

Sub Assistant Registrar (CS)

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3. The Executive Officer,
Arulmigu Meenatchi Amman Temple,
Madurai.

+1CC TO MR.M.NATARAJAN, Advocate Sr. No.61311

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.61250

W.P. (MD) No. 9112 of 2019
15.04.2019

TR (27.04.2019) 3P 6C