



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.11877 of 2022

J.Mohanraj

.. Petitioner-in Person

Vs

The Director,
Institute of Mental Health,
Kilpauk, Chennai-600 010.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent to consider and act on the representation dated 23.10.2021 regarding the sorry state of affairs prevailing in the Kilpauk Mental Hospital.

For the Petitioner : Mr.J.Mohanraj
Petitioner-in-person

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The writ petition has been filed to seek a direction on the respondent to consider and act on the representation made by the petitioner on 23.10.2021 in regard to the affairs of the Kilpauk Mental Hospital.

2. The representation dated 23.10.2021 shows that someone met one Nataraja Murthi, son of Kakkan, who was a Minister in the Kamaraj Ministry, in the hospital premises. It is averred that Mr.Nataraja Murthi is in the hospital for the last 30 years; his legs are chained and he has been neglected by everyone. The allegation is that Mr.Nataraja Murthi is not being looked after properly by the hospital administration. It is further alleged that there are about 3000 inmates in the hospital of which 500



are fully cured, but they are not being released and are suffering mental agony. It is also stated that the hospital administration has demanded Rs.1 lakh to shoot a film. It is further stated that the sorry state of affairs prevailing in the hospital and the aforesaid facts were viral on social media. The petition is, thus, basically based on the message viral on the social media.

3. The petitioner has not made any effort to find out the veracity either of the message circulated on the social media or on the affairs of the hospital. The petitioner, appearing in person, submits that let the matter be enquired into to find out the affairs of the hospital. The petitioner is not in the know of the affairs of the hospital, but wants the court to conduct a fishing and roving enquiry into the veracity of the allegations made in the message viral on the social media.

4. This Court finds that before filing the writ petition the petitioner has not made any effort to verify the authenticity of the allegations levelled against the hospital by way of an application under the Right to Information Act, 2005.

5. The Apex Court in *B.P. Singhal v. State of T.N. and Others*, (2004) 13 SCC 673, while dealing with a public interest litigation, dismissed it on the ground that it lacked material particulars and the averments made were by and large based merely on newspaper reports and not personal knowledge. It was observed that the petitioner did not even state that he had taken any step to verify the correctness of the averments made.

6. In yet another decision in the case of *Dr.B.Singh v. Union of India and Others*, (2004) 3 SCC 363, the Apex Court emphatically held that it was too much to attribute authenticity to any information merely because it was published in a newspaper or a journal or a magazine. In matters of Public Interest Litigation, Supreme Court has time and again cautioned that the Court has to be satisfied about (a) credentials of the petitioner; (b) prima facie correctness or nature of information given by him; and (c) the information should not be vague and indefinite.

7. That apart, the Apex Court in the case of *S.P. Anand vs. H.D.Deve Gowda*, (1996) 6 SCC 734, held that a person filing a public interest litigation owes it not only to the public but also to the Court that he does not rush to the Court without undertaking any research to raise the issues in the public interest litigation. The Apex Court warned that "a good cause can be lost if petitions are filed on half-baked information without proper research or by persons who are not qualified and competent to raise such issues as the rejection of such a



petition may affect third party rights."

8. In the case on hand, the basis for filing the public interest litigation is the message viral on the social media. The petitioner has not taken any effort to verify the authenticity of the said message or the correctness of the allegations levelled by him.

9. A public interest litigation cannot be used to seek factual information. The petitioner ought to have sought information under the provisions of the Right to Information Act, 2005. Without availing of such remedy, the petitioner has rushed to this Court by filing a public interest litigation to collect information.

10. The petitioner, appearing in person, without making any research seeks this Court to make a fishing and roving enquiry. The petitioner admits that Mr.Nataraja Murthi is having a sister, but alleges that she is not looking after him. The condition of Mr.Nataraja Murthi or his condition cannot be inferred from the viral message on the social media.

11. Taking into consideration the overall facts, we do not find that the direction sought by the petitioner can be given in this matter. Accordingly, the writ petition is dismissed, however with liberty to the petitioner to file a fresh writ petition, after doing sufficient research, with material to substantiate the allegations levelled by him against the hospital, if any. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sasi

To:

The Director,
Institute of Mental Health,
Kilpauk, Chennai-600 010.

+1cc to the Government Pleader, S.R.No.33140

W.P.No.11877 of 2022

PMK (CO)
CT 15/06/2022