



W.P.No.31750 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

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Indian Political Democratic Strategies
IPDS Private Limited,
10/100, Kumaran Arcade, NGGO Colony Gate,
Mettupalayam Road, Vadamadurai,
Kurudampalayam,
Coimbatore-641 017
rep. by its Founder and
Director C.Thirunavukkarasu.

.. Petitioner

VS

- 1.The Principal Secretary to Government,
Water Resources Department,
Chennai-600 009.
- 2.The Joint Commissioner (Land and Water Administration)
Chennai-600 005.
- 3.The District Collector,
Nilgiri District,
Uthagamandalam,
Pin-643 001.



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4.The Sub Collector,
Uthagamandalam,
Pin-643 001.

5.The Municipal Commissioner,
Uthagamandalam,
Pin-643 001.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to initiate action under the appropriate provision of the relevant Act to remove the encroachment on "Burn foot Lake" within the Municipal limits of Uthagamandalam Municipality in Nilgiri District, restore the waterbody to its original shape, by considering the representation dated 10.01.2022 of the petitioner organisation forthwith.

For the Petitioner : Mr.J.Muthukumaran

For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

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

This writ petition has been filed by the petitioner organization seeking a direction on the respondents to remove the encroachment on Burn Foot Lake situated in Uthagamandalam Municipal limits in



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The Nilgiri District.

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2. The instant writ petition has been filed mainly on the basis of the news published in a Tamil daily "Neethi Tharasu" dated 11.1.2022. We do not find any public interest involved in the present petition.

3. When the petitioner approaches this Court for issuance of a writ of mandamus for removal of encroachment, he/she should be personally aware of the encroachment existing in the land where removal of encroachment is sought. Further, he/she ought to have done some research work.

4. We find that public interest litigations are filed casually despite a direction of the Apex Court that it should be only after proper research, as laid down in the case of **S.P. Anand vs. H.D.Deve Gowda, (1996) 6 SCC 734**, wherein it has been 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



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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."*

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



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a journal or a magazine. In matters of public interest litigation, the Hon'ble 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. In the case on hand, as stated supra, the basis for filing the public interest litigation is the news article flashed in the daily. The petitioner has not taken any effort to verify the authenticity of the said news or the correctness of the allegations levelled by him.

8. For all the reasons stated above, the writ petition is not entertained and the same is dismissed. There will be no order as to costs.

(T.R., ACJ.) (D.K.K., J.)
29.11.2022

Index : Yes/No
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