



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.8840 of 2021

WEB COPY

C. Sathyadhas,
Managing Trustee,
AIDS Control Trust,
D.J.Complex,
Eraviputhoorkadai,
Kattathurai Post - 629 158,
Kanyakumari District.

... Petitioner

Vs.

The Project Director,
Tamil Nadu State AIDS Control Society,
417, Pantheon Road,
Egmore, Chennai-600 008.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to grant the permitted sanctioned fund to the AIDS Control Trust situated at D.J.Complex, Eraviputhoorkadai, Kattathurai Post - 629 158, Kanyakumari District, by considering the petitioner's representation dated 02.12.2020 within a stipulated period that may be fixed by this Court.

For Petitioner : Mr.S. Sivakumar
For Respondent : Mr.P. Mahendran,
Additional Government Pleader.

* * *

O R D E R

Heard the learned counsel on either side.

2. The petitioner is running an NGO whose object is to prevent and control AIDS. The petitioner applied to the respondent herein seeking disbursement of funds. Since the respondent did not accede to the petitioner's request, the present writ petition came to be filed.

3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition. He submitted that the funds are coming from international organisations for controlling AIDS and that the mandate of the international conventions is that these funds should be disbursed among the various non governmental organisations. According to him, non-disbursement of funds to the petitioner would constitute an act of discrimination. The respondent



has filed a detailed counter affidavit and the learned counsel took me through its contents.

4. After going through the pleadings, I am more than satisfied that no case has been made out for issuance of mandamus. Writ of mandamus can be issued only if the petitioner is having any legal right and the respondent is having any legal obligation. In this case, the petitioner is not having any legal right. Likewise the respondent is not obliged to sanction funds for a particular non governmental organisation. In paragraph No.15 of the counter affidavit, it has been stated that there are certain procedures to obtain funds from the respondent by any organisation which can be needed for any particular activity. The petitioner has not made out a case for such disbursement. Since the petitioner is not having any enforceable legal right and the respondent is not having any legal obligation, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

PMU

To:

The Project Director
Tamil Nadu State AIDS Control Society
417, Pantheon Road
Egmore, Chennai-600 008.

+1 CC to M/s.S. SIVAKUMAR, Advocate (SR-27651[F] dated 23/06/2022)

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SRK(CO)

GC(04.07.2022) 2P 3C