



W.P(MD).No.19453 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.19453 of 2022

Hindu Dharma Parishad,
Represented by K.K.Ramesh,
Managing Trustee,
No.26A, Old Mahalipatti Road,
Madurai-625 001.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Hindu Religious and Charitable Endowments Department,
Fort St.George, Secretariat,
Chennai-600 009.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.
- 3.The Director,
Vigilance and Anti Corruption
No.298, MKN Road,
Alandur, Chennai-600 016.
- 4.The Director General of Police,
Madurai City,
AlagarKoil Road,
Madurai.



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5.The Commissioner of Police,
Madurai City,
Alagarkoil Road,
Madurai.

6.The Joint Commissioner,
Arulmighu Meenakshi Sundareswarar Temple,
Madurai District.

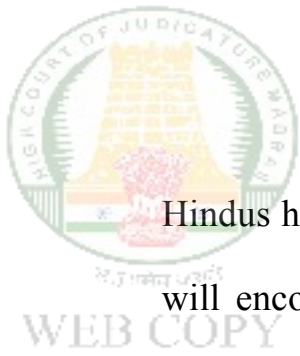
...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to instruct the respondents 2 to 3 to enquire to take action on the temple staffs, who demanded money from the petitioner and got money from the devotees then only the petitioner and the devotees will pray Lord Meenakshi without any hardship by considering the petitioner's representation, dated 06.08.2022.

For Petitioner	: Mr.K.K.Ramesh Party in person
For R1 to R5	: Mr.M.Lingadurai Special Government Pleader
For R6	: Mr.V.R.Shanmuganathan Standing Counsel

ORDER

The petitioner is a Managing Trustee of Hindu Dharma Parishad and object of the trust is that to stop the conversion of Hindu poor people by flirt words and money by other religions. Further, receiving complaints on violation of Hindus Fundamental Rights and teach Human Rights laws to Hindu Community people and news about Fundamental Rights and Human Rights Violation from T.V. Daily Newspapers and monitor the areas about



Hindus health problem where thickly populated. The Hindu Dharma Parishad will encourage the people to know about truths in Hinduism, Fundamental Rights and violations of Human Rights. The petitioner findings will be reported to Higher Officials in this regard to take action. If not, the petitioner filed Public Interest Litigation before this Court and Hon'ble Supreme Court to get remedy to the victims.

2. The petitioner claims that he is handicapped and lost 80% of the eye power in his right eye. The petitioner filed Public Interest Litigation in W.P.(MD)No.20498 of 2021 seeking to prevent and clean the drainage water and garbage in all temple ponds in Tamilnadu. He further submits that on 05.08.2022 at 5.30 p.m, the petitioner visited the Meenakshi Amman Kovil Temple and swamy dharisanam. When the petitioner was standing in que, some temple staffs were getting Rs.500/-, Rs.1,000/- from the devotees and they were alone allowed to pray the god. The petitioner questioned the same. The petitioner objected and enquired the temple staffs regarding money demanded from the petitioner. They did not care about the petitioner's objection and continuously got money from the devotees and allowed them to pray the god and compelled the petitioner to give Rs.500/-. The petitioner made a complaint with the policeman standing nearby and also to the temple Deputy Commissioner Office. The Deputy Commissioner failed to listen to



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the petitioner and informed the petitioner to go before the Court. The temple staff of Meenakshi Amman Temple receiving huge amount as bribe. The Deputy Commissioner refused to prevent the same and hence the devotees are affected, which is against Article 14, 19(1) of the Constitution of India. Hence, he filed this writ petition.

3. The learned Special Government Pleader for the respondents 1 to 5 submits that the petitioner is in the habit of filing Public Interest Litigation mostly for the purpose of publicity. The petitioner earlier filed W.P(MD)No. 20498 of 2021 seeking direction to renovate the temple ponds in a hygienic manner. Recently, when the case was listed for reporting compliance, the petitioner produced photographs showing that the wall collapsed near the Thiruparankundran temple tank and in such manner, temple tanks are maintained. On getting instructions from the Executive Officer, Thiruparankundram about that well, it was found that wall fell down due to heavy rain and nothing to do with the regular maintenance. Further, photographs produced by the petitioner was doctored. The Division Bench of this Court finding that the petitioner's allegation, exaggerated, adjourned the case after a month.



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4. He further submitted that the petitioner filed Public Interest Litigation in W.P(MD)No.1523 of 2022 seeking to install notice board in all Government Department regarding corruption, to confiscate the movable and immovable properties of the Government Officials, who found involved in the corruption charges, to take action by Vigilance and Anti Corruption officials by raids or combing operation or through enquiry in the matter of corruption and to monitor corruption, CCTV camera should be installed round the clock at all Government Offices and higher officials should monitor it in the departments. The Division Bench of this Court disposed the writ petition on 02.02.2022 found that the petitioner's petition is a publicity petition without any merits and also imposed a cost of Rs.10,000/-. Finding the petitioner's antecedents restrained the petitioner from filing any Public Interest Litigation petition for a period of two years. Now, the petitioner taken a different route to file this petition as a Mandamus. The petitioner makes sweeping allegations without any particulars.

5. He further submitted that all the temple staffs and policemen in duty in the temple are wearing identity card with name badge, clearly visible. If at all such incident has taken place, the petitioner would have provided the name, details, time and place of such occurrence. In this case, there is no such particulars given. If the petitioner is aggrieved on corruption, he should have



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given complaint to the concerned Police. The petitioner failed to do, sent representation to the superiors and filed a petition. Further, he filed a petition before this Court, as per the decision in the case of **Sugesan Transport Private limited**, this Court and the Apex Court given guidelines in the case of **Lalita Kumari VS Government of U.P and others**. The petitioner not following these guidelines, sending representation without particulars making sweeping allegation, filed this writ petition. Hence, prayed for dismissal of the writ petition with cost.

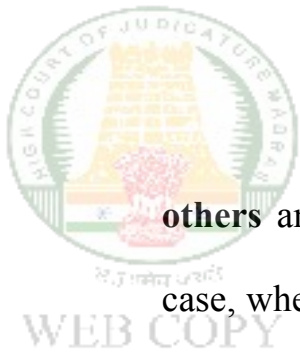
6. The learned Standing Counsel for the sixth respondent submits that this petition is not maintainable. The Mandamus can be sought only by the person, who is aggrieved for any action or inaction by the authorities. The petitioner cannot make a case invoking direction of Mandamus on sweeping general allegation without particular and details. The above petition is a publicity petition. Further, he referred to the decision of the Division Bench of this Court in W.P(MD)No.1523 of 2022 in Paragraph 2, the Division Bench of this Court had observed that W.P(MD)No.13167 of 2019, wherein, the petitioner filed a case against the Government of India and others, an order was passed on 12.06.2019, it is observed that “this Court, while not imposing any cost on the petitioner in the above backdrop, hopes and trusts that atleast in future the petitioner/party-in-person, before filing any Public Interest



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Litigation, would carry out necessary research and place materials in support of his contention before the Court”. He further referred to the case of **K.K.Ramesh Vs Union of Indida (W.P(MD).No.23254 of 2018)** reported in **SCC online 2018 Mad 8556**, in paragraph 8, it is observed that “the above mentioned paragraphs of the writ petition shows that there is some organization which is working behind the petitioner and the petitioner is not bonafide. However, keeping in mind the facts that the petitioner has appeared in person, we are not inclined to impose any costs. The writ petition stands dismissed”. These observations would make it clear that the petitioner is filing this writ petition is only for publicity. In view of the same, the petition filed by the petitioner in his personal capacity cannot be entertained.

7. Considering the submission and on perusal of the materials, it is seen that the petitioner is in the habit of regularly filing Public Interest Litigation. After the order passed in W.P(MD)No.1523 of 2022, the petitioner was restrained to file Public Interest Litigation petition for a period of two years. Now, the petitioner taking different route has come up with this writ petition. From the representation dated 06.08.2022, nothing can be deciphered and there is no proper details given, expect for sweeping bald allegation. For the petitioner's specific complaint on corruption, there is a procedure contemplated in the case of **Lalita Kumari VS Government of U.P and**



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others and in the case of filing private complaint, **Subramanian Swamy's** case, wherein, guidelines given, how private complaint for corruption charges to be filed. The petitioner had not followed any of the provisions except for making a sweeping allegation and seeking directions against one and all. The Prevention of Corruption Act contemplates certain conditions to be followed. The petitioner is to take proper care before making such sweeping allegation. Further, the petitioner in his affidavit state that he has lost 80% of the eye power in his right eye implying that he is in difficulty. This Court gave a paper to the petitioner to read the date of dispatch, which is small in size, the petitioner read the same with ease and gave the particulars.

8. This Court finds no merits for consideration and not inclined to entertain this writ petition. Hence, the writ petition stands dismissed. No costs.

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Index : Yes / No
Internet : Yes/ No
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To
WEB COPY

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The State of Tamil Nadu,
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Chennai-600 009.
2. The Commissioner,
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M.NIRMAL KUMAR, J.

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