



W.P.(MD) No.21292 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2023

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P.(MD) No.21292 of 2023

N.Murugan

... Petitioner

-VS-

1.The Secretary
Ministry of Home Affairs
Ministry of Home Affairs North Block
New Delhi-110 001

2.The Home Secretary
Secretariat
St.George Fort, Chennai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to issue the highest award of “BHARATH RATHNA” to Mr.Kalaighnar Karunanithi.

For Petitioner : Ms.V.Jeya Rani

For Respondents : Mr.AR.L.Sundaresan
Additional Solicitor General of India
assisted by Mr.K.Govindarajan
Deputy Solicitor General of India for R1
Mr.P.Thilakkumar
Government Pleader for R2



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ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The present writ petition is filed seeking a direction against the respondents to issue the highest award of Bharath Rathna to Mr.Kalaignar Karunanithi.

2. Learned counsel for the petitioner submits that the petitioner does not belong to any political party nor has any political affiliation. Considering the work done by Mr.Kalaignar Karunanithi, he deserves to be awarded the highest civilian award of the country *i.e.* “Bharath Rathna”.

3. Learned Additional Solicitor General of India submits that the Apex Court in the case of ***Balaji Raghavan and others vs. Union of India***, reported in ***AIR 1996 SC 770***, has directed that no award shall be conferred except on recommendations of National Committee.

4. Mandamus cannot be issued by the Court to direct an Executive to bestow a particular award upon a person. It would be beyond the realm of



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Article 226 of the Constitution of India and also the Judgment of the Apex Court in the case of ***Amitabh Thakur and others vs. Union of India***, reported in **2014 (2) ALJ 260**.

5. In the light of that, the request of the petitioner, under Article 226 of the Constitution of India, cannot be considered.

6. The writ petition is accordingly disposed of. No costs.

[S.V.G., .C.J.]

[C.K., J.]

31.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

1.The Secretary,
Ministry of Home Affairs,
Ministry of Home Affairs North Block,
New Delhi-110 001.

2.The Home Secretary,
Secretariat,
St.George Fort,
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THE HONOURABLE CHIEF JUSTICE
and
C.KUMARAPPAN, J.

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