



W.P(MD)No.22100 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.22100 of 2022
and
W.M.P(MD)No.16884 of 2022**

Viji

... Petitioner

VS.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Project Director,
District Rural Development Agency,
Tirunelveli.
- 3.The Block Development Officer,
Nanguneri,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents from constructing the bus shelter cum toilets near the compound wall of the TDTA St. John's Middle School, Parappadi by considering the representation of the petitioner, dated 10.09.2022.



W.P(MD)No.22100 of 2022

WEB COPY

For Petitioner : Mr.T.A.Ebenezer
For RR 1 & 2 : Mr.V.Nirmal Kumar
Government Advocate
For R – 3 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, forbearing the respondents from constructing the bus shelter cum toilets near the compound wall of the TDTA St. John's Middle School, Parappadi, by considering the representation of the petitioner, dated 10.09.2022.

2.The petitioner has filed the present Writ Petition styled as a 'Public Interest Litigation' stating that the respondents are trying to construct bus shelter cum toilets near the compound of the School, in which 515 students are studying. The School authorities planned to construct the gate in the compound wall, but the respondents are preventing the same.



W.P(MD)No.22100 of 2022

WEB COPY

Hence, the petitioner made a representation, dated 10.09.2022 to the respondents. Since the same has not been considered, the petitioner has filed the present Writ Petition.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.On a perusal of the materials available on record, it is seen that neither the petitioner has not impleaded the said School as a respondent in the Writ Petition nor has the School made any objections to build the bus shelter cum toilets in front of the School building. There are no ingredients for entertaining the present Writ Petition as a Public Interest Litigation.

5.At this juncture, it is appropriate to refer to the following observation made by the Apex Court in ***Ashok Kumar Pandey vs. State of West Bengal and others*** reported in **(2004) 3 SCC 349**, the Apex Court at paragraphs 5 to 16, held as follows:-



W.P(MD)No.22100 of 2022

WEB COPY

“16. As noted *supra*, a time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that courts are flooded with a large number of so-called public interest litigations, whereas only a minuscule percentage can legitimately be called as public interest litigations. Though the parameters of public interest litigation have been indicated by this Court in a large number of cases, yet unmindful of the real intentions and objectives, courts at times are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilized for disposal of genuine cases. Though in *Duryodhan Sahu (Dr) v. Jitendra Kumar Mishra* (1998) 7 SCC 273, this Court held that in service matters PILs should not be entertained, the inflow of the so-called PILs involving service matters continues unabated in the courts and strangely are entertained. The least the High Courts could do is to throw them out on the basis of the said decision. This tendency is being slowly permitted to percolate for setting in motion criminal law jurisdiction, often unjustifiably just for gaining publicity and giving adverse publicity to their opponents. The other interesting aspect is that in the PILs, official documents are being annexed without even indicating as to how the petitioner came to possess them. In one case, it was noticed that an interesting answer was given as to its possession. It was stated that a packet was lying on the road and when out of curiosity the petitioner opened it, he found copies of the official documents. Apart from the sinister manner, if any, of getting such copies, the real brain or force behind such cases would get exposed to find



W.P(MD)No.22100 of 2022

WEB COPY

out whether it was a bona fide venture. Whenever such frivolous pleas are taken to explain possession, the court should do well not only to dismiss the petitions but also to impose exemplary costs, as it prima facie gives impression about oblique motives involved, and in most cases shows proxy litigation. Where the petitioner has not even a remote link with the issues involved, it becomes imperative for the court to lift the veil and uncover the real purpose of the petition and the real person behind it. It would be desirable for the courts to filter out the frivolous petitions and dismiss them with costs as aforestated so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the courts.”

6. Public interest litigation is an extremely important jurisdiction exercised by the Supreme Court and the High Courts. The Apex Court in ***Neetu v. State of Punjab, (2007) 1 SCC 614***, held that when a particular person is the object and target of a petition styled as public interest litigation, the Court has to be careful to see whether the attack in the guise of public interest is really intended to unleash a private vendetta, personal grouse or some other mala fide object.



W.P(MD)No.22100 of 2022

WEB COPY

7. That apart, in **State of M.P. Vs. Narmada Bachao Andolan, (2011) 7 SCC 639**, the Apex Court has held as follows:-

"13. Strict rules of pleading may not apply in PIL, however, there must be sufficient material in the petition on the basis of which the court may proceed.

The PIL litigant has to lay a factual foundation for his averments on the basis of which such a person claims the reliefs. The information furnished by him should not be vague and indefinite. Proper pleadings are necessary to meet the requirements of the principles of natural justice. Even in PIL, the litigant cannot approach the court to have a fishing or roving enquiry. He cannot claim to have a chance to establish his claim. However, the technicalities of the rules of pleading cannot be made applicable vigorously. Pleadings prepared by a layman must be construed generously as he lacks the standard of accuracy and precision particularly when a legal wrong is caused to a determinate class."



W.P(MD)No.22100 of 2022

WEB COPY

8. Considering the submissions as well as the decisions cited supra, we are not inclined to entertain the Writ Petition and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
20.01.2023

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

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Project Director,
District Rural Development Agency,
Tirunelveli.
- 3.The Block Development Officer,
Nanguneri,
Tirunelveli District.



WEB COPY



W.P(MD)No.22100 of 2022

D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.22100 of 2022

DATED : 20.01.2023