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W.P.No.15921 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.15921 of 2024

S.MURALIDHARAN

.. Petitioner-in
Person

Vs

1.HONBLE MADRAS HIGH COURT
REP. BY THE REGISTRAR,
CHENNAI-104.

2.GOVERNMENT OF TAMIL NADU
REP BY THE DIRECTOR GENERAL OF POLICE,
NO.1, KAMARAJAR SALAI,
MYLAPORE, CHENNAI- 600 004.

3.TAMIL NADU LAW DEPARTMENT
REP. BY THE SECRETARY,
SECRETARIAT, FORT ST. GEORGE,
CHENNAI-600 009.

4.MINISTRY OF LAW AND JUSTICE
REP. BY THE SECRETARY,
4TH FLOOR, A- WING,
SHASTRI BHAWAN,
NEW DELHI-110 001.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondent No.1 to constitute a Special Bench for faster disposal of cases against Public - Spirited individuals, Journalist and YouTubers.

For the Petitioner	: Mr.S.Muralidharan (appearing in person)
For the Respondent	: Mr.P.M.Subramaniam Senior Counsel for Mrs.N.K.Kanthimathi for respondent No.1
	: Mr.A.Edwin Prabakar State Government Pleader for respondent Nos.2 and 3
	: Mr.Rajesh Vivekananthan Dy. Solicitor-General for respondent No.4

ORDER

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

Heard Mr.S.Muralidharan, the petitioner appearing in person;
Mr.P.M.Subramaniam, learned Senior Counsel for
Mrs.N.K.Kanthimathi, learned counsel for the first respondent;
Mr.A.Edwin Prabakar, learned State Government Pleader for



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respondents 2 and 3; and, Mr.Rajesh Vivekananthan, learned Deputy Solicitor-General for respondent No.4.

2. The petitioner has filed the writ petition for issuance of a writ of mandamus directing the first respondent to constitute a Special Bench for faster disposal of cases against public-spirited individuals, journalists and YouTubers. The relief sought has the undertones of commanding a direction from a Division Bench presided over by the Chief Justice on the judicial side to the Chief Justice on the administrative side to constitute a Special Bench.

3. The petitioner, appearing in person, submitted that the State Government has been gagging journalists, particularly YouTubers, who act as whistle blowers and expose scams committed by those in power. Citing cases registered against certain YouTubers, including Savukku Shankar, the petitioner contended that social media channels add strength to the fourth pillar of democracy even though their content and lingo could be toxic at times. Hence, he prayed for constitution of a Special Bench to fast-



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track cases against public spirited individuals, journalists and YouTubers.

4. Refuting the submission made by the petitioner, learned Senior Counsel appearing for the first respondent submitted that the Chief Justice is the master of roster and in his individual capacity has prerogative to constitute Benches and allocate cases to those Benches on the administrative side and the petitioner under Article 226 of the Constitution of India cannot seek such a relief.

5. We have heard learned counsel on either side and perused the documents available on record.

6. It is irrefutable that the Chief Justice is the master of roster. The Chief Justice of the High Court has a prerogative to distribute business of the High Court – both judicial and administrative. The administrative control of the High Court vests in the Chief Justice alone. On the judicial side, however, he is only the first amongst the equals. It is clear that the Chief Justice enjoys a special status



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not only under the Constitution, but also under the Rules of the Court made in exercise of powers conferred by Article 225 of the Constitution of India.

7. No person has a right to invoke the jurisdiction under Article 226 of the Constitution of India seeking a direction to constitute a Special Bench. It is for the Chief Justice to consider the grievance of the petitioner on the administrative side and the same can neither be espoused nor redressed by way of a public interest litigation.

8. It is trite that redressal of any grievance in public interest can be achieved only in the manner known to law, but not the other way round. Various factors need to be considered before establishing a separate Court to deal with a particular type of cases. In the instant case, it is not the case of the petitioner that huge backlog of cases are pending before this Court against the public spirited individuals, journalists and YouTubers, owing to the alleged highhandedness of the State. The petitioner has not placed a shred



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of material pointing out the number of cases pending as on date; and as to for how many years the same are pending. It is not in dispute that the normal course of hearing of the said cases is proceeding unhindered and the matters are being taken up by the Judges as per roster.

9. If a petition of this nature is entertained, it will pave the way to other sections of the society seeking identical relief of constituting a Special Bench for redressal of the grievance of their particular section. It is not as if the provisions of law require constitution of a Special Bench to deal with the alleged crimes. Encouraging litigations of this nature will lead to the litigant choosing who should decide their case.

10. It is well settled proposition of law that public interest litigation is a crucial tool for promoting social justice and holding authorities accountable. However, the instant petition can be labeled as a waste of time as it lacks specific details or particulars regarding the grievance sought to be addressed. When public interest



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litigations are filed with vague accusations and without evidence to support the claims, they risk losing their effectiveness and credibility. It is essential for the public spirited person to provide specific facts, figures, and pertinent information in order to bring about tangible change and make a real impact on society. Without these particulars, public interest litigation runs the risk of being dismissed as frivolous or lacking merit. Therefore, it is imperative that those initiating public interest litigations are diligent in researching and presenting solid evidence to support their cause in order to avoid being perceived as a waste of time and resources.

11. Speedy justice is recognised as a fundamental right under Articles 14 and 21 of the Constitution of India. However, in a public interest litigation, based on the unsubstantiated allegations levelled by a person, a Special Bench cannot be constituted, more particularly when the doors of this court are not knocked by the alleged victims seeking constitution of such Special Benches, owing to delay as pleaded by the petitioner herein.



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12. Moreover, it is not as if the alleged victims are voiceless and they are remediless. The alleged victims pointed out in the petition, viz., Felix Gerald editor of RedPix Media and Savukku Shankar of Savukku Media YouTube Channel, are not persons who are incognizant of their constitutional guarantees. Indeed, petitions filed by these persons were/are considered by the roster benches and some have approached even the Supreme Court. When the alleged victims are cognizant of their rights and are pursuing the same, we do not find any necessity to consider the present writ petition even on merits.

13. In the petition, the petitioner, besides seeking the aforesaid relief, had made serious allegations, inter alia, about the deteriorating standard of law and order in the State, availability of drugs, and custodial deaths. In support of such allegations, the petitioner has not produced any iota of evidence. The allegations are as vague as they could be. If the petitioner has sufficient material to substantiate the said allegations, he has remedy elsewhere and for that purpose he cannot invoke the extraordinary



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jurisdiction of this court.

14.The writ petition is dismissed. There shall be no order as to costs.

(D.K.K., ACJ.) (P.B.B, J.)
12.09.2024

Index : Yes/No
NC : Yes/No
bbr

To:

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