



W.P.(MD) No.139 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.139 of 2024

E.Athisayakumar

... Petitioner

Vs.

1.National Disaster Management Authority,
Represented by The Chairperson,
A-1, Safdarjung Enclave,
New Delhi 100 029.

2.National Legal Services Authority,
Represented by The Members Secretary,
B Block, Ground Floor,
Additional Building Complex,
Supreme Court of India,
New Delhi – 110 001.

3.State of Tamil Nadu, represented by,
The Principal Secretary,

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Department of Revenue and Disaster Management,
Fort St. George,
Chennai – 600 009.

4.State of Tamil Nadu, Represented by,
The Principal Secretary,
Department of Law,
Fort St. George,
Chennai – 600 009.

5.Tamil Nadu State Legal Services Authority,
Represented By, The Member Secretary,
North Fort Road, High Court Campus,
Chennai - 600 104.

6.State Disaster Management Authority,
Represented By, The Commissioner,
State of Tamil Nadu,
Ezhilagam, Chennai 600005.

7.The District Collector, District Collectorate,
Thoothukudi District.

8.The District Collector, District Collectorate,
Tirunelveli District.

9.The District Collector, District Collectorate,
Tenkasi District.

10.The District Collector, District Collectorate,
Kanyakumari District.



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- 11.The Chairman, District Legal Services Authority,
District Court Buildings,
Thoothukudi - 628 003.
- 12.The Chairman, District Legal Services Authority,
District Court Buildings,
Tirunelveli @ Palayamkottai 627 002.
- 13.The Chairman, District Legal Services Authority,
Tenkasi.
- 14.The Chairman, District Legal Services Authority,
District Court Buildings,
Kanyakumari @ Nagercoil 629 001.
- 15.The Chairman, Taluk Legal Services Committee,
Court Buildings,
Kovilpatti 628 501.
- 16.The Chairman, Taluk Legal Services Committee,
Court Buildings,
Thiruchendur - 628 215.
- 17.The Chairman, Taluk Legal Services Committee,
Court Buildings,
Srivaikundam 628 601.
- 18.The Chairman, Taluk Legal Services Committee,
Court Buildings,
Sathankulam - 628 704.
- 19.The Chairman, Taluk Legal Services Committee,
Court Buildings, Vilathikulam - 628 907.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the Respondent No.5 to constitute a 'Core Group' in Thoothukudi, Tirunelveli, Tenkasi and Kanyakumari Districts as per the Rule No.5 of the 'A Scheme For Legal Services To Disaster Victims Through Legal Services Authorities' and to organize and conduct 'Legal Aid Clinics' in the flood affected areas of Thoothukudi, Tirunelveli, Tenkasi and Kanyakumari Districts for the effective implementation of the rehabilitation measures listed out in 'A Scheme For Legal Services To Disaster Victims Through Legal Services Authorities' in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.K.Govindarajan,
Deputy Solicitor General of India for R1
Mr.P.Thilak Kumar,
Govt. Pleader for R4, R4, R9 & R10

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the Respondent No.5 to constitute a 'Core Group' in



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Thoothukudi, Tirunelveli, Tenkasi and Kanyakumari Districts as per the Rule No.5 of the 'A Scheme For Legal Services To Disaster Victims Through Legal Services Authorities' and to organize and conduct 'Legal Aid Clinics' in the flood affected areas of Thoothukudi, Tirunelveli, Tenkasi and Kanyakumari Districts for the effective implementation of the rehabilitation measures listed out in 'A Scheme For Legal Services To Disaster Victims Through Legal Services Authorities' in accordance with law within the time stipulated by this Court.

2. This Writ Petition has been filed before this Court under the guise of Public Interest Litigation. The petitioner is a practising advocate before the District Courts and also functioning as a organizer of Samooga Needhikaana Valaringyargal Kootamaipu. The petitioner stated that the people in the rural outskirts of Thoothukudi District are facing lot of difficulties in applying for one time relief amount of Rs.6,000/- being provided for the flood assistance. The petitioner further states that even to avail the one-time flood assistance of Rs. 6,000/- ration card is mandatory, but several people in the rural outskirts have lost their ration cards in the flood. Therefore, it is necessary to constitute a Core



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Group in Thoothukudi, Tirunelveli, Tenkasi and Kanyakumari District, in an expedite manner and to organize legal aid clinics in affected areas and assist victims to get duplicate certificate and documents by taking up the matter with the concerned authorities. The petitioner further states that there are several complaints have been received regarding the Rehabilitation of the old and disabled persons who lost their supporting families. In this regard, the petitioner made a representation on 22.12.2023. However, the same was not considered. Hence, the petitioner has filed this Writ Petition.

3. The learned Government Pleader appearing for the respondents 3, 4, 7 and 10 submitted that there is no complaint has been received from the aggrieved persons or the victims. He further submits that if any such complaint has been received, the authority concerned will look into the compliant and take necessary action in accordance with law.

4. We have carefully considered the rival submissions and perused the materials available on record. On a perusal of the records, it is seen that though



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the petitioner has made a general allegation in the affidavit that several complaints have been received from the victims, no complaints have been enclosed in the typed set of papers. Therefore, in the absence of any materials or any complaints from the aggrieved persons or victims, we are not inclined to entertain the present Writ Petition, which was filed under the guise of 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:-

“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



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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 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



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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 aforesaid 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.

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,



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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.”

8. In the light of the decisions cited supra, we are not inclined to entertain this Writ Petition. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

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

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Neutral Citation: Yes / No
Index : Yes / No
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Department of Revenue and Disaster Management,
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