



W.P.(MD) No.850 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.850 of 2024

C.Selvakumar

... Petitioner

Vs.

1.Tamil Nadu State Government,
Rep by its Principal Secretary,
Revenue Department,
St.George Fort, Chennai

2.Tamilnadu State Government,
Rep by its Principal Secretary,
Animal Welfare, Poultry, Fisheries and
Fishermen Welfare Department,
St.George Fort, Chennai.

3.The District Collector,
Madurai District,
Madurai.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to permit one owner one bull in any one of the 3 events of Jallikkattu scheduled to be conducted at Avaniyapuram, Palamedu and Alanganallur in Madurai District on 15.01.2024, 16.01.2024 and 17.01.2024 respectively by ruling out the online process in issuing token to the bull owners and adopting some other mode in issuing the token, based on the petitioner's representation dated 08.01.2024 made to the 3rd respondent.

For Petitioner : Mr.K.Kannan

For Respondents : Mr.P.Thilak Kumar,
Govt. Pleader

ORDER

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

The petitioner has filed this Writ Petition styled as a Public Interest Litigation, seeking for a direction to the 3rd respondent to permit one owner one bull in any one of the 3 events of Jallikkattu scheduled to be conducted at Avaniyapuram, Palamedu and Alanganallur in Madurai District on 15.01.2024,



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16.01.2024 and 17.01.2024 respectively by ruling out the online process in issuing token to the bull owners and adopting some other mode in issuing the token, based on the petitioner's representation dated 08.01.2024 made to the 3rd respondent.

2. We have heard the learned counsel appearing for the petitioner and the learned Government Pleader, who accepts notice on behalf of the respondents and we have also perused the materials available on records.

3. The learned counsel appearing for the petitioner has made a representation on 08.01.2024 seeking for ruling out the online process in issuing the token to the bull owners and adopting some other mode to issue the token to the bull owners irrespective of community. Since the said representation has not been considered, the petitioner has filed this Writ Petition styled as a Public Interest Litigation.



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4. Considering the facts and circumstances of the case, we are of the view that the Writ Petition is not maintainable, since the prayer sought for by the petitioner is not the case of Public Interest Litigation at this stage and it is for the respondents to consider the representation of the petitioner and take appropriate decision in this matter.

5. At this juncture, it is appropriate to refer to the following observations 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 times are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilized for



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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 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



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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, however, there must be sufficient material in the petition on the basis of which the court may proceed.



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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
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To

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