



W.P.(MD) No.2177 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.2177 of 2024

Chinnadurai

... Petitioner

-Vs-

1.The District Collector,
Pudukottai,
Pudukottai District.

2.The Assistant Director of Panchayats,
Pudukottai,
Pudukottai District.

3.The Project Officer,
District Rural Development Agency,
Pudukottai,
Pudukottai District.

4.The Block Development Officer,
Pudukottai Village Panchayat,
Pudukottai,
Pudukottai District.

5.R.Kannan

6. Easwari

... Respondents



W.P.(MD) No.2177 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to take appropriate action against the 5th and 6th respondents, as per the Tamil Nadu Panchayat Raj Act, based on the petitioner's representation dated 16.03.2023 in accordance with law within a stipulated time as prescribed by this Court.

For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mr.P.Thilak Kumar,

Government Pleader for R1 & R2

Mr.R.Maheswaran for R5 & R6

ORDER

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

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take appropriate action against the 5th and 6th respondents, as per the Tamil Nadu Panchayat Act, based on the petitioner's representation dated 16.03.2023 in accordance with law within a stipulated time as prescribed by this Court.

2. This Writ Petition is taken up for final disposal at the stage of admission itself.



W.P.(MD) No.2177 of 2024

3. The petitioner has filed this Writ Petition as Public Interest Litigation on the allegation that the respondents 5 and 6 have misappropriated the Panchayat fund by making out forged bill by implementation of project and development. On the same allegation, the petitioner has earlier filed a Writ Petition before this Court in W.P.(MD)No.20745 of 2023. This Court by order dated 25.08.2023 dismissed the said Writ Petition as withdrawn with liberty to the petitioner to file a fresh Writ Petition, after gathering sufficient particulars with reference to the instance of the irregularity / misappropriation etc. Therefore, the petitioner has filed this Writ Petition.

4. We have heard the submissions of learned counsel appearing for the petitioner, the learned Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the respondents 5 and 6 and perused the materials available on record.

5. On perusal of the entire affidavit filed in support of this petition, we have not seen any sufficient particulars with reference to the instance of the irregularity / misappropriation and only photographs have been annexed. Further, there are no satisfactory reasons to entertain this Public Interest Litigation and the petitioner has not satisfied the parameters as held by the Hon'ble Supreme Court



in **Ashok Kumar Pandey vs. State of West Bengal and others** reported in (2004)

3 SCC 349, wherein the Supreme Court at paragraph No.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 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 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



W.P.(MD) No.2177 of 2024

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 above decisions, we are not inclined to entertain this Writ Petition. Accordingly, this Writ Petition stands dismissed. This order will not stand in the way of the respondents to take necessary action as against respondents 5 and 6, if any sufficient materials are produced with regard to the instance of the irregularity / misappropriation as against the respondents 5 and 6. There shall be no order as to costs.

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

02.02.2024

vsm

NCC : Yes / No

Index : Yes / No



W.P.(MD) No.2177 of 2024

WEB COPY

To

- 1.The District Collector,
Pudukottai,
Pudukottai District.
- 2.The Assistant Director of Panchayats,
Pudukottai,
Pudukottai District.
- 3.The Project Officer,
District Rural Development Agency,
Pudukottai,
Pudukottai District.
- 4.The Block Development Officer,
Pudukottai Village Panchayat,
Pudukottai,
Pudukottai District.

D.KRISHNAKUMAR, J.



WEB COPY



W.P.(MD) No.2177 of 2024

AND

R.VIJAYAKUMAR, J.

vsm

W.P.(MD)No.2177 of 2024

02.02.2024