



W.P.(MD) No.3631 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2024

CORAM:

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

**W.P.(MD) No.3631 of 2024
and W.M.P.(MD) No.3569 of 2024**

Jameen

... Petitioner

-VS-

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.
- 2.The Transport Commissioner,
Transport and Road Safety Department,
Ezhilagam, PWD Estate,
Chepauk,
Triplicane,
Chennai – 600 005.
- 3.The District Collector,
Tenkasi,
Tenkasi District -627 811.



W.P.(MD) No.3631 of 2024

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4.The Superintendent of Police,
Tenkasi,
Tenkasi District – 627 811.

5.The Regional Transport Officer,
Tenkasi,
Tenkasi District – 627 803.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents 1 to 5 not to grant any permission to transporting entire mines vehicle from Tenkasi District to the state of Kerala between the school opening hrs from 8.30 AM to 10.00 AM and closing hrs 3.30 pm to 5.00 pm by considering petitioner's representation dated 10.10.2023 within a stipulated time fixed by this Hon'ble Court.

For Petitioner : Mr.R.Vinoth Bharathi

For Respondents : Mr.P.Thilak Kumar,
Government Pleader for R1 to R3 and R5

Mr.R.Meenakshisundaram
Additional Public Prosecutor for R4

ORDER

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

This *pro bono* litigation has been filed by the petitioner seeking a Writ of Mandamus, forbearing the respondents 1 to 5 not to grant any permission



W.P.(MD) No.3631 of 2024

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to transport entire mines vehicle from Tenkasi District to the State of Kerala between the school opening hours from 8.30 AM to 10.00 AM and closing hours 3.30 PM to 5.00 PM by considering petitioner's representation dated 10.10.2023, within a time frame.

2. By consent of both sides, the Writ Petition itself is taken up for final disposal at the time of admission itself.

3. According to the petitioner, number of heavy vehicles, transporting mines from Tenkasi District to the State of Kerala, are crossing the main gates of some schools every day. Due to over speed of these vehicles, the parents and students living in and around the schools are in panic and they faces several difficulties. In the State of Kerala such vehicles are not allowed during the school opening and closing hours between 8.30 A.M. and 10.00 A.M. and 3.30 P.M. and 5.30 P.M. Therefore, he sent a representation dated 10.10.2023 to the respondents 3, 4 and 5 not to permit the said vehicles to transport mines during opening and closing hours of the schools as that in Kerala State. Since, the said representation has not been considered so far, the present Writ Petition is filed.



W.P.(MD) No.3631 of 2024

WEB COPY

4. We have considered the rival submissions and perused the materials placed before this Court.

5. Prima facie, there is no bona fide reason stated in the Writ Petition. A careful perusal of the representation dated 10.10.2023 of the petitioner discloses that the petitioner has made allegations only against vehicles, which have been transporting the mines and not the other vehicles. Further, the details and particulars regarding the schools and vehicles are not furnished by the petitioner. The particulars regarding the vehicles crossing the schools are not furnished in the Writ Petition also. When the petitioner approaches this Court by way of filing Public Interest Litigation, he must be vigilant in furnishing all the details and particulars before this Court. He must also show some good cause, without which, this Court cannot entertain the Writ Petition as a Public Interest Litigation.

6. This Court is not able to see any public interest in the Writ Petition. Besides that, the parents of the students or the schools have not made any representation to the authorities concerned. If any such representations are



W.P.(MD) No.3631 of 2024

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made, the authorities may consider the same. However, the petitioner's association in the name of Tenkasi Iyarkkai Vala Paathukappu Sangam, which has been registered as No.7 of 2023, has made the representation dated 10.10.2023, making such allegations that the heavy vehicles transporting mines are crossing the schools with high speed. But there is no mention about the other heavy vehicles crossing the aforesaid roads. Further, the petitioner has not stated whether the vehicles are transporting the mines legally or illegally. When the petitioner has not furnished necessary details and particulars and not produced necessary materials before this Court, this Court is unable to entertain the present Writ Petition as a public interest litigation.

7. On perusal of the entire affidavit filed in support of this petition, we have not seen any 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:-



W.P.(MD) No.3631 of 2024

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*



W.P.(MD) No.3631 of 2024

WEB COPY

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 aforestated so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the courts.”

8. 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



W.P.(MD) No.3631 of 2024

intended to unleash a private vendetta, personal grouse or some other *mala fide* object.

9. 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."

In the light of the above decisions, we are inclined to dismiss the Writ Petition with costs.



W.P.(MD) No.3631 of 2024

WEB COPY

11. Accordingly, this Writ Petition is dismissed with a cost of Rs.25,000/- (Rupees Twenty Five Thousand only) payable to the Tamil Nadu State Legal Services Authority within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

12. Post the matter after four weeks for reporting compliance.

[D.K.K., J.] [R.V., J.]
16.02.2024

Index : Yes / No
Internet : Yes / No
SJ

To

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

2.The Transport Commissioner,
Transport and Road Safety Department,
Ezhilagam, PWD Estate,
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WEB COPY



W.P.(MD) No.3631 of 2024

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and
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- 3.The District Collector,
Tenkasi,
Tenkasi District -627 811.
- 4.The Superintendent of Police,
Tenkasi,
Tenkasi District – 627 811.
- 5.The Regional Transport Officer,
Tenkasi,
Tenkasi District – 627 803.

Copy to

The Tamil Nadu State Legal Services Authority,
North Fort Road,
High Court Buildings,
Chennai - 600 104.

W.P.(MD) No.3631 of 2024

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