



W.P.(MD) No.6257 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.6257 of 2024

K.N.R.Krishnaraj

... Petitioner

-Vs-

1.The Joint Commissioner,
HR & CE Department,
Office of the Commissioner,
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai-600 034.

2.The Joint Commissioner,
HR & CE Department,
Office of the Joint Commissioner,
Theppakula Street, Tiruvanaikoil,
Tiruchirappalli-6.

3.The Assistant Commissioner,
HR & CE Department,
Office of the Assistant Commissioner,
Theppakula Street, Tiruvanaikoil,
Tiruchirappalli-6.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a



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Writ of Mandamus, directing the respondents to retrieve the properties belonging to Arulmigu Devi Thirukovil by evicting the encroachers under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 by considering the petitioner's representation dated 27.12.2023 within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.I.Muthiah
For Respondents : Mr.P.Thilakumar
Government Pleader

ORDER

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

The petitioner has filed this writ petition to direct the respondents to remove the encroachments made in the properties belonging to Arulmigu Devi Thirukovil at Srirangam Taluk, Trichy District by considering the petitioner's representation dated 27.12.2023.

2.According to the petitioner the subject mentioned properties belong to the Temple. But the private individuals have encroached upon the Temple properties and got their name mutated in the revenue records. Hence, the petitioner made a representation dated 27.12.2023 to the respondents herein requesting the respondent to take action against the said encroachers.

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3. 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. The petitioner has not produced any particulars regarding encroachers in the representation. 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



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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



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the courts.”

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4.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.

5.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



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enquiry. He cannot claim to have a chance to establish his claim.

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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.”

6.In the light of the above decisions, we are not inclined to entertain this Writ Petition. At this the writ petitioner seeks liberty to make a fresh representation before the respondents along with necessary particulars. Granting such liberty, this Writ Petition stands dismissed. No costs.

[D.K.K., J.] & [R.V., J.]
14.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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