



W.P.(MD).No.29770 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.29770 of 2024

and

W.M.P.(MD).Nos.25102 and 25103 of 2024

Sasi Pandidurai

... Petitioner

Vs.

- 1.The District Collector,
District Collectorate Building,
Sivagangai,
Sivagangai District.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
No.40, Muthusamay Nagar,
Thiruppathur Road,
Sivagangai - 630561.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Collectorate Campus,
Sivagangai - 630561.
- 4.The Thakkar,
Arulmigu Santhiveeran Swamy Temple,
Mallakottai Village,
Singampunari Taluk,
Sivagangai District.



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5.The Tahsildar,
Singampunari Taluk,
Sivagangai District.

6.The Village Administrative Officer,
Mallakottai Village,
Singampunari Taluk,
Sivagangai District.

7.Muthu Krishnan

8.Balasundaram

9.Jeyabalan

10.Navaneethan

11.P.Sathiyamoorthy

12.Radhakrishnan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned show cause notice issued by the 3rd respondent in Na.Ka. No.2329/2022/A15 dated 14.08.2024 to take over villagers property as there is no power under section HR and CE Act Section 49 as he committed an act which is ultra vires in the said Act, quash the same and consequently directing the respondents 1 to 6 to allow the events such as Pongal and Aani Eruthukattu festival as per the customs and tradition to go on procession with customary dress and paraphernalia and give respect to Village deity Sandhiveera Swamy and allow the villagers to felicitate the petitioner with customary respect and stop the interference of respondents 7 to 12 herein.



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For Petitioner : M/s.E.M.Sudarsana Natchiappan
Senior Counsel
for Mr.A.L.Vijeydevraj
For R-1 to R-6 : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

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

2. The petitioner claims this Writ Petition to have been filed for a common public cause of the villagers of Mallakottai Village. However, after hearing the arguments of the learned counsel for the petitioner and on perusal of the averments made in the affidavit filed in support of this Writ Petition, as well as the documents submitted before us, we find that the Writ Petition has been filed on a private interest owing to the petitioner's rivalry with the private respondents 7 to 12 herein.



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3. According to the petitioner, the private respondents have been filing Writ Petitions every year during the Eruthukattu Vizha, thereby preventing the petitioner from receiving the customary first honour. The petitioner has also referred to the Writ Petitions filed in W.P.(MD).No.12989 of 2024 by the 11th respondent; W.P.(MD).No.10709 of 2021 filed by the 9th respondent, W.P.(MD).No.5629 of 2021 by the 7th respondent; W.P.(MD).No.14000 of 2022 by the 8th respondent; W.P.(MD).No.15134 of 2023 by the 9th respondent; W.P.(MD).No.10708 of 2023 by the 10th respondent, etc. As per the averments made in the sworn affidavit of the petitioner filed in support of this Writ Petition, it is specifically averred that the petitioner, who allegedly claims to be the Periya Ambalam, is being deprived of the first customary honour by the respondents 7 to 12.

4. We fail to understand as to how this personal rivalry between the petitioner and the respondents 7 to 12 could, by any stretch of imagination, termed to be in the interest of the general public.

5. A Public Interest Litigation is intended to vindicate public interest where the fundamental and other rights of the people, who are poor, ignorant or in socially or economically disadvantageous position and are unable to seek



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legal redress, are espoused, as held by the Hon'ble Supreme Court in the case of

Balco Employees' Union (Regd.) Vs. Union of India reported in **(2002) 2 SCC**

333.

6. In ***Janta Dal Vs. H.S.Chowdhary*** reported in **(1992) 4 SCC 305**, the Hon'ble Supreme Court had observed that only a person acting bona fide and having sufficient interest in the proceeding of PIL, will alone have *locus standi* and can approach the Court to wipe out the tears of the poor and needy, suffering from violation of their fundamental rights, but not a person for personal gain or private profit or political motive or any oblique consideration. It was further held therein that a vexatious petition under the colour of PIL, brought before the Court for vindicating any personal grievance, deserves rejection at the threshold and a PIL, which is a weapon, has to be used with great care and circumspection. The Hon'ble Supreme Court had further held that the Judiciary has to be extremely careful to see that behind the beautiful veil of public interest, an ugly private malice, vested interest and/or publicity seeking is not lurking. The aforesaid decisions are a very few of several other decisions of the Hon'ble Supreme Court with regard to vexatious private interest litigations under the guise of a Public Interest Litigation.



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7. In line with all these decisions of the Hon'ble Supreme Court, the Madras High Court had issued a notification in SRO C-2/2010 dated 26.07.2010, regulating the rules relating to filing of PIL under Article 226 of the Constitution of India. The Circular reads as follows:

"No. SRO C-2/2010.

By virtue of Article 225 of the Constitution of India and of all other powers hereunto enabling, the High Court makes the following Rules to regulate Public Interest Litigations (PIL) filed under Article 226 of the Constitution of India:

Every Public Interest Litigation must be filed in accordance with the following rules:

1. Every PIL must indicate that the petitioner has no personal interest in the case. If he has any personal interest, he must disclose the same. In the event of the High Court finding the claim as frivolous or vexatious, the PIL shall be dismissed with exemplary cost.

2. If the PIL is filed on behalf of a class of persons, the details of the persons for whose benefit the PIL is filed, must be indicated. If it is a society or association of persons, the writ petitioner must enclose a resolution from such society or association of persons, authorising the petitioner to file the writ petition and if the body is duly registered with competent authority, a copy of the bye-laws of the said body authorising the petitioner to file the writ petition, shall be enclosed.



3. *If the petitioner has filed any PIL earlier, the details of the petition, and the final order, if any, passed in that petition, the relief granted and costs, if any, awarded, shall be indicated. No Public Interest Litigation Petition will be entertained in respect of civil disputes between individuals or in service matters. The petitioner shall give an undertaking that he will pay the costs, if any, if it is found to be intended for personal gain or oblique motive.*

4. *The petitioner must disclose whether he has filed the petition out of his own funds or from other sources. If it is the latter, the particulars should be given.*

5. *The petitioner must state in the affidavit that to his knowledge, no PIL arising on the same issue, has been filed anywhere.*

6. *The affidavit filed by the petitioner must contain the averments that he has filed the writ petition based on his information and his personal knowledge. If he has filed the writ petition based on an information received from any other source, he must clearly indicate the source. If it is a newspaper report, the affidavit shall clearly state as to whether the deponent has verified the facts by personally visiting the place or talking to any responsible person or Reporter or Editor of the newspaper concerned.*

7. *If the petitioner has given any representation to any authority, a copy of the same shall be filed in the typed set of papers along with reply, if any, received from the authority. He*



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shall file the proof of service of representation before the Court.

The above rules will not be applicable to the Public Interest Litigations taken on file by the High Court."

8. In the instant case, when the petitioner has specifically spelt out his grievances that the private respondents have been filing Writ Petitions to deny the first customary honour, which he is entitled to as a Periya Ambalam and no other averment in the affidavit espouses the grievance or cause of the public, we have no hesitation to come to the irresistible conclusion that this Writ Petition has been filed with an attempt to redress the personal grievance of the petitioner only. As a corollary, it requires to be held that the petitioner has abused the process of law by resorting to file this vexatious private interest litigation in the guise of a Public Interest Litigation.

9. The petitioner, in his affidavit, has given an undertaking that he would pay cost, if the Court identifies his personal interest in this *lis*. We are constrained to invoke the undertaking given by him and impose an exemplary cost for having abused the process of law.



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10. Accordingly, the Writ Petition stands dismissed with a direction to the petitioner to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of “Amala Home for Mentally Ill and Rehabilitation Home for Women”, V.Ammapatti, Kadaneri (Post), T.Kallupatti (via) Madurai District - 625702, within a period of two (2) weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

11. Post the matter after two weeks under the caption 'for recording compliance'.

(M.S.R.,J.) (A.D.M.C.,J.)
10.12.2024

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

To

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