



W.P.(MD) No.3064 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

CORAM:

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

AND

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

W.P.(MD)No.3064 of 2024

K.M.Shahul Hameed

... Petitioner

-Vs-

1.The Principal Secretary,
BC, MBC and Minority Welfare Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Tamilnadu Wakf Board,
Rep. by its Chairman,
No.1, Jaffar Syrang Street,
Chennai-01.

3.Janab R.Jainulapatheen

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent herein to consider the petitioner's representation dated 21.11.2023 within the time period that may be specified by this Court.



W.P.(MD) No.3064 of 2024

For Petitioner : Ms.P.Yasmin Begum
For R1 : Mr.S.P.Maharajan,
Special Government Pleader

ORDER

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

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

2.Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the 1st respondent.

3.On perusal of the entire affidavit filed in support of this petition, it is seen that the petitioner has not given any details and particulars stating that he has involved in social activities and he 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



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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



W.P.(MD) No.3064 of 2024

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.”

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



W.P.(MD) No.3064 of 2024

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.”

6.In the light of the above decisions, we are not inclined to entertain this Writ Petition. Accordingly, this Writ Petition stands dismissed. No costs.

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

13.02.2024

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

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W.P.(MD) No.3064 of 2024

D.KRISHNAKUMAR, J.
AND
R.VIJAYAKUMAR, J.

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To

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