

W.P.No.11679 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.06.2022

Coram:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.11679 of 2022

S.Sukumar

.. Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Public Works Department,
Fort St.George, Chennai-600 009.

2. The District Collector,
Tiruppur District, Tiruppur.

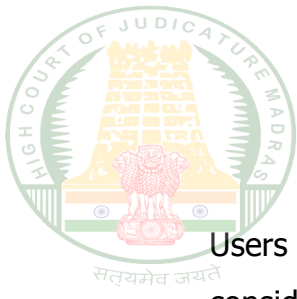
3. The Election Officer cum Revenue Divisional Officer,
Dharapuram,
Tiruppur District.

4. Mr.R.Kumaresan,
The Election Officer cum Revenue Divisional Officer,
Dharapuram,
Tiruppur District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to form an investigation team under the head of Honourable retired Judge of this Court and conduct an enquiry over the irregularities and biased actions done by the fourth respondent in conducting election for the Management Committees of Water

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Users Association in Dharapuram region and take necessary actions, by considering the representation of the petitioner, dated 12.04.2022.

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For petitioner : Mr.N.Ponraj

For respondents: Mr.P.Muthukumar, State Govt. Pleader
assisted by Mrs.R.Anitha, Spl.G.P. for RR-1 to 3

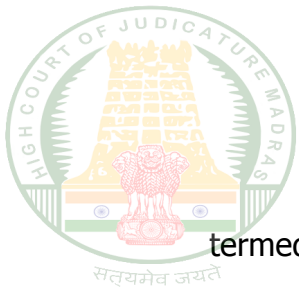
ORDER

(The Order of the Court was made by The Honourable Chief Justice)

This Writ Petition (Public Interest Litigation (PIL)) is filed to seek a direction to nominate a retired Judge of this Court to investigate the irregularities and biased action of the fourth respondent in conducting the election for the Management Committees of Water Users Association in Dharapuram region.

2. The petitioner is said to be appointed as Tiruppur District Vice-President of BJP, but has not participated in the election, as stated by the learned counsel for the petitioner. He is said to be affected by the election being an agriculturist and the nomination of the petitioner's father for the post of President of Upparu Dam-Thoppampatti Village Water Users Association, was rejected by the fourth respondent. The pleadings made in the Writ Petition thus demonstrate that, apart from showing the petitioner's own political acts, it has been filed to espouse the cause of the petitioner's own father and therefore, it cannot be

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termed to be a PIL, but is a Personal Interest Litigation. Instead of filing or taking course to challenge the election by the petitioner's father, the PIL has been filed to seek a direction for investigation and enquiry by a retired Judge of this Court, without showing as to under what provision such a direction can be issued. This Court has seen that in many cases, a prayer has been made to hold enquiry and investigation by a retired Judge of this Court, owing to the status held by them. The Constitutional Authority cannot be brought down to the status of the nature prayed for by the petitioner on their retirement. It is otherwise not explained as to why the election or the result of the election therein, could not be challenged by the petitioner's father if he is aggrieved by it. All the factual aspects can be determined which otherwise cannot be determined while exercising jurisdiction under Article 226 of the Constitution of India.

3. A direction to cause enquiry or investigation by a retired Judge of this Court, cannot be given without first drawing to the conclusion that the matter needs such serious examination and it can be only after modification of facts which would require entering into appreciation of facts, going beyond the jurisdiction of this Court.

4. Taking into consideration the aforesaid, we find that this PIL is nothing

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but a "Personal Interest Litigation" involving questions of facts and luring the status of a retired Judge of this Court for conducting fair investigation and enquiry of election by them. It is not a case whether the engagement of a retired Judge of this Court is required to have settlement of serious disputes or their engagement in some matters is of great public interest and therefore, a Commission or their monitoring is required, but as a matter of election having no such issue which may affect the public peace or requires engagement of a retired Judge of this Court.

5. Thus, for over-all facts and reasons, the present Writ Petition (PIL) is dismissed, finding it to be nothing but a "Personal Interest Litigation" and involving questions of facts. There shall be no order as to costs.

(M.N.B., C J) (N.M.,J)
08.06.2022

Index: Yes/no
Speaking Order: Yes/no
cs/hvk

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1. The Government of Tamil Nadu,
Rep. by its Secretary,
Public Works Department,
Fort St.George, Chennai-600 009.
2. The District Collector,
Tiruppur District, Tiruppur.
3. The Election Officer cum Revenue Divisional Officer,
Dharapuram,
Tiruppur District.

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THE HONOURABLE CHIEF JUSTICE
and
N.MALA, J

CS

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