

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

WP.No.20521/2024  
& WMP.No.22468/2024

D.Kumaresh

... Petitioner

Vs.

The Chief Secretary  
Government of Tamil Nadu  
Secretariat, Chennai 600 009.

... Respondent

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing not to distribute Rs.10,00,000/- ex-gratia announced by the Government of Tamil Nadu to the persons who lost their life, drinking illicit liquor.

For Petitioner : Mr.A.Kumanaraja  
For Respondent : Mr.P.S.Raman, Advocate General  
assisted by  
Mr.A,Edwin Prabakar  
Government Pleader

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1)Mr.A.Edwin Prabakar, learned Government Pleader accepts notice on behalf of the respondent.
- (2)Heard the learned counsel for the petitioner and the learned Advocate General for the State.
- (3)The present writ petition has been filed seeking for issuance of a writ of mandamus directing the respondent not to distribute Rs.10 lakhs ex-gratia announced by the State Government to the persons who lost their lives by consuming illicit liquor recently in Kallakurichi District.
- (4)The present writ petition is filed as a Public Interest Litigation. The petitioner is a resident of Virugambakkam and he states that he is a social worker doing service to the people in need and the Society in general.

(5)Following the recent tragedy happened at Kallakurichi where 65 people including females died due to consumption of illicit liquor, the Government of Tamil Nadu has taken several steps. A retired Judge of this court, namely Justice GOKULDAS, was appointed as One Man Commission with certain directions. Apart from taking administrative decisions at various levels, the Hon'ble Chief Minister of Tamil Nadu announced a relief scheme for the family members of the victims who died due to consumption of illicit liquor.

(6)The petitioner has raised several objections for announcing a huge amount of Rs.10 lakhs as ex-gratia on the death of people who lost their lives due to consumption of illicit liquor, primarily on the ground that persons indulged in illegalities cannot be encouraged by rewarding them for their illegal conduct. In other words, the contention of the petitioner is that the Government should never encourage or patronage illegal acts of people. The petitioner is not only against the announcement of ex-gratia payment, but also against the quantum of amount announced. Since the persons who lost their lives are not martyrs, the petitioner has raised an issue that payment of ex-gratia to the persons who lost their lives by

consuming illicit liquor, cannot be justified. Stating that the Government has announced a sum of Rs.10 lakhs as ex-gratia, the petitioner's grievance is also that as a tax payer, he has every right to question the unwanted expenditure by the State Government. Referring to the amount awarded in favour of winners of Sahithya Academy and other ex-gratia payments made to Government employees who lost their lives during service, it is contended by the learned counsel for the petitioner that the award of Rs.10 lakhs as ex-gratia, is disproportionately high and hence, cannot be permitted.

(7) Even though the petitioner acknowledges the limited power of this Court in interfering with the policy decision of the Government, the learned counsel for the petitioner submitted that the Court may not interfere with the policy decision of the Government only when the decision is for the welfare of the people. Since the victims of the tragedy have failed to abide by law and the incident was due to illegal consumption of illicit liquor, the learned counsel submitted that there is no justification at all for the distribution of Rs.10 lakhs to each one of the victims of tragedy. Since the Government is making earnest efforts to disburse the amount

announced by way of ex-gratia, the petitioner also prayed for interim injunction not to disburse any ex-gratia amount.

(8) Firstly, this Court finds that the petitioner has not even produced before this Court any record except the affidavit and the petition. No even a newspaper report is enclosed. As a matter of fact, except the affidavit and petition in the writ petition and other documents like Aadhar Card and Pan Card of the petitioner to show his *bona fides*, no typed set of documents is annexed with the petition. The petitioner has come before this Court without a search or an understanding as to the actual scheme announced by the State Government.

(9) Mr.P.S.Raman, learned Advocate General appearing for the respondent, in the course of hearing, submitted that the Government has announced a package for the members of the families of the victims on compassionate grounds to tide over the economic crisis faced by the dependents even to continue their studies. In some cases, children of victims who have lost their parents have no one to support them. In such circumstances, the Government has announced something more than what the petitioner himself is aware of and this court is of the view that the ex-gratia

payment is on humanitarian grounds. The financial relief is not to reward the victims but to help the dependents of the victims who are economically weak and have lost their breadwinners in the family.

(10) In *S.P. Anand Vs. H.D. Deve Gowda* reported in *1996 [6] SCC 734*, the Hon'ble Supreme Court has indicated that a person seeking to espouse a public cause, owes it to the public as well as to the Court that he does not rush to Court without undertaking a research, even if he is qualified or competent to raise the issue. The Hon'ble Supreme Court deprecated the practice of anyone knocking the doors of Court by way of Public Interest Litigation with half baked information and without proper research. The Court will not encourage people who are not qualified or competent to raise such issues. The petitioner though claims that he is a social worker, has not indicated any social work to his credit.

(11) It is well settled that a policy decision must be left to the Government as it alone can decide which policy should be adopted. This litigation is not alleging infringement of fundamental right, but one complaining about the unnecessary expenditure and the burden to State exchequer by the decision of the Government announcing ex-gratia payment. In a

democracy, it is the prerogative of each elected Government to follow its own policy. Unless any illegality is committed in the execution of the policy or the policy itself is unconstitutional, the Court will not interfere with such decisions especially when the announcement awarding ex-gratia payment is only for helpless children of parents who are living in below poverty line. The wisdom of the Government on social reforms or economic policy are ordinarily not amenable to judicial review unless it is demonstrated that the policy is contrary to any provisions of the Constitution.

(12) Following the incident, almost all political parties in this State requested the Government to announce a relief package to ensure providing basic amenities and education to the children of the victims who lost both parents.

(13) A public interest litigation is essentially meant to protect basic human rights of the weak and the disadvantaged. The spirit of every public interest litigation should be to espouse the cause of marginalized or vulnerable people who are unable to approach the Court because of poverty, helplessness or other social disabilities. However, in this case,

the petitioner is challenging the award of ex-gratia payment to the people in need on account of a heart felt tragedy which could have been avoided by law enforcement agencies. The Government, as a welfare State, taking moral responsibility for the whole incident, has announced a package to the dependents who deserve as they are not responsible for what they are today.

(14) Even though this Court has no material or information to doubt the integrity of the petitioner, the bona fides of this litigation is still doubtful. This Court is unable to entertain this writ petition as the spirit of litigation, challenging the policy decision of the Government without even collecting the basic information about the details of the scheme cannot be approved especially when the relief package that was announced to reach the dependents of victims to ensure their survival with dignity. The petitioner has approached this Court with half baked informations and this Court is unable to appreciate the contentions of the petitioner who is not an expert or qualified in criticising the policy of the State in matters like this.

(15)In the result, the writ petition **stands dismissed.** No costs.

Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [N.S., J.]  
26.07.2024

AP

Internet : Yes

To  
The Chief Secretary  
Government of Tamil Nadu  
Secretariat, Chennai 600 009.  
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S.S. SUNDAR, J.,  
and  
N.SENTHILKUMAR, J.,

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