

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2016

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Petition (MD) No.15480 of 2016

and

W.M.P(MD)Nos.11379 to 11381 of 2016

S.Baskar Mathuram

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by its,
Principal Secretary,
Home Department,
Tamil Nadu Government,
Secretariat,
Chennai 600 009.
- 2.The State of Tamil Nadu,
Rep by its
Secretary,
Adi Dravida Welfare Department,
Secretariat, Chennai 600 009.
- 3.The Director General of Police,
Mylapore, Chennai.
- 4.The Inspector General of Police,
South Zone, New Natham Road,
Madurai.
- 5.The District Collector,
Madurai District, Madurai.
- 6.The Superintendent of Police,
Madurai Rural District,
Madurai 625 007.
- 7.The District Child Welfare Officer,
Madurai District, Madurai.

8.The Deputy Superintendent of Police,
Usilampatti Sub Division,
Madurai District.

9.The Inspector of Police,
Ezhumalai Circle Police Station,
Madurai District.

10.The Sub Inspector of Police,
M.Kalluapatti Police Station,
Madurai District.

11.Ramakrishnan,
The Deputy Superintendent of Police,
Usilampatti Sub Division,
Madurai District.

12.Selvam,
The Inspector of Police,
Ezhumalai Circle Police Station,
Madurai District.

13.Sangaiah,
The Sub Inspector of Police,
M.Kalluapatti Police Station,
Madurai District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records pertaining to the First Information Report in Cr.No. 81 of 2016 on the file of the 10 Respondent and quash the same as illegal and consequently

i)to direct the respondent No.1 & 2 to adequately compensate the innocent children who have been affected by the illegal registration of the First Information Report in Crime No.81 of 2016 on the file of the Respondent.

ii)to direct the 5th respondent to take appropriate steps to declare and notify Usilampatti and Peraiyur Sub Divisions, Madurai District to be an Untouchability prone area and appoint a Special

Officer under Rule 10 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Rules 1995 to carry out rehabilitation works relating to the proper implementation of the SC/ST Act, 1989 and prevent, avoid re-occurrence of Atrocity in that area.

(iii)to direct the respondents 1 and 3 to deploy Armed Forces in Usilampatti and Peraiyur Sub Divisions of Madurai District.

(iv)to direct the 9th and 10th respondents to register a criminal case against the respondents 11 to 13 under the provisions of Section 3(1)(p) of Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended in 2015 and

(v)to direct the respondents 1 and 3 to forbear the respondents 11 to 13 from conducting any investigation in any of the cases forthwith.

For Petitioner	: Mr.A.Kannan
For Respondents 1-10	: Mr.B.Pugalendhi, Additional Advocate General for assisted by Mr.S.Chandrasekar, Government Advocate.

ORDER

(Order of the Court was made by **NOOTY.RAMAMOHANA RAO,J**)

The petitioner Sri.S.Baskar Mathuram, S/o.Seenivasan, resident of 5/107, Ayothi Complex, near Kasim Residency, Melur Main Road, Madurai, instituted this writ petition.

2.Respondents 1 to 10 are the State of Tamil Nadu and various other officers of it. Respondents 11 to 13 are impleaded in *eo nomine* capacity. They are, the Deputy Superintendent of Police, Usilampatti Police Station, Madurai District, The Inspector of Police, Ezhumalai Circle Police Station, Madurai District and The Sub Inspector of Police, M.Kallupatti Police Station, Madurai District.

3.The reliefs sought for in this writ petition are as follows:-

"Writ of Certiorarified Mandamus, to call for the entire records pertaining to the First Information Report in Cr.No.81 of 2016 on the file of the 10th respondent and quash the same as illegal and consequently

i)to direct the respondents 1 and 2 to adequately compensate the innocent children who have been affected by the illegal registration of the First Information Report in Crime No.81 of 2016 on the file of the 10th respondent.

ii)to direct the 5th respondent to take appropriate steps to declare and notify Usilampatti and Peraiyur Sub Divisions, Madurai District to be an untouchability prone area and appoint a Special Officer under Rule 10 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Rules 1995 to carry out rehabilitation works relating to the proper implementation of the SC/ST Act, 1989 and prevent, avoid re-occurrence of atrocity in that area.

(iii)to direct the respondents 1 and 3 to deploy armed forces in Usilampatti and Peraiyur Sub Divisions of Madurai District.

(iv)to direct the 9th and 10th respondents to register a criminal case against the respondents 11 to 13 under the provisions of Section 3(1)(p) of Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended in 2015 and

(v)to direct the respondents 1 and 3 to

forbear the respondents 11 to 13 from conducting any investigation in any of the cases forthwith."

4.The whole basis for instituting this writ petition seeking extravagant reliefs appears to be an unfortunate incident which is alleged to have taken place on 05.08.2016 in some remote rural area of this part of the State. It appears that a complaint was lodged by one of the victims' parents on 06.08.2016 which the Police viz., M.Kallupatti Police Station, have registered promptly and have also taken up the matter for investigation. It appears that some of the newspapers also carried a news item, on 07.08.2016. That inspired the writ petitioner to file this writ petition. It appears that he is a practitioner of law. If a practitioner of law is seeking to use the platform of High Court for purposes of gaining popularity and publicity, so that he will be able to attract more number of clients, if not the alleged victims themselves in this case, it would amount to an unethical practice of soliciting work on one's part. When once the Code of Conduct is prescribed by the Bar Council of India to be always adhered to and followed by every practitioner of law, any attempt to overreach the situation and also to breach it, even in an indirect manner, as has been done in the present case, it must attract necessary corrective action.

5.We therefore, direct the Registrar (Judicial) of this Bench to place a copy of the affidavit filed by the writ petitioner in

this case before the Bar Council of Tamil Nadu and Puducherry at Chennai for initiating necessary action for the breach of Code of Ethics and professional conduct by the writ petitioner. In the event the Bar Council agrees with our *prima facie* opinion that the writ petition is instituted by a practicing lawyer, seeking publicity and mileage for his professional activity rather than propelled by genuine desire to protect the larger public-good and interest, the Bar Council shall take appropriate action. We hope and trust that the Bar Council will be placing its 'action taken report' before this Court within a period of six months.

6. Often times, we have been noticing that the Print and Electronic Media is carrying on publication of the names of legal practitioners as well as the names of the Judges of the High Court concerned, who dealt with particular cases, publication of names of practitioners who may have appeared for one party or the other in a particular case can lead to an indirect method of soliciting or indulging in advertisement of the professional abilities or skills of the advocates. We, therefore, direct the Registrar (Administration) of this Bench to immediately circulate instructions to all Print, Electronic and Media Houses not to publish the names of the practitioners as part of news item.

7. We also direct, for the present, the Registrar (Administration) to request the Print, Electronic and Media House, not

to publish the individual names of the Judges unless it is so essentially required. The reason being every Judge of the High Court is carrying on with his work sitting in a particular division/roster as assigned by My Lord The Hon'ble Chief Justice. The Judges do perform their duties dispassionately and to the extent possible by not allowing their individual notions and philosophies to be a guiding factor in deciding the causes brought before them. Therefore, we feel that the names of the Judges should not be published and on the other hand, the name of the High Court alone should be published.

8.We further direct the Registrar (Administration) to place this matter before My Lord The Hon'ble Chief Justice, so that appropriate instructions can be issued in this regard by My Lord The Hon'ble Chief Justice.

9.This writ petition is instituted by S.Baskar Mathuram, S/o.Seenivasan, resident of 5/107, Ayothi Complex, near Kasim Residency, Melur Main Road, Madurai in the name of Public Interest Litigation whereas, we find it otherwise.

10.Be that as it may, during the course of hearing of this writ petition, learned Additional Advocate General appeared on behalf of the respondents 1 to 10 and he was also assisted by the Deputy Superintendent of Police to whom the investigation work has been entrusted by the Superintendent of Police, Madurai District as well as the concerned Inspector of Police.

11. We do not propose to refer extensively to the contents of the case diary. We have gone through very carefully and meticulously a bunch of papers which have been tagged without giving them any serial number beyond page 131. We found a report of a four member Child Welfare Committee has examined the entire matter in considerable detail and they have recorded findings at page No.14 of their report. The Committee recorded their prima facie opinion that the story forming part of the FIR is a 'fabricated one' and thus implying that it is the result of fertile imagination of someone. Shockingly, the Committee has also recorded its prima facie opinion that the Police have registered the FIR coming under pressure from a community leader who also incidentally happened to be a practitioner of law. We therefore, consider that intervention of this Court is not called for in the matter and the Superintendent of Police, Madurai District shall monitor the entire follow up action strictly in accordance with law and will spare no person whatsoever and deal with all people concerned for creating false and fabricated stories, strictly in accordance with law.

12. We take this opportunity to remind the State Government to put in place a policy decision to ensure that the Print and Electronic Media does not while reporting instances of similar nature from furnishing any details which are capable of enabling the readers or general public to come to know of the identity of either the

victims or those juveniles who are in conflict with law.

13.We hope and trust necessary decision would be taken at the earliest, preferably, within the next thirty days and the same will be adhered to by the Print and Electronic Media, henceforth.

14.It shall also be open to the State/Police to take up the matter with the concerned, including Press Council of India, for the reports which have appeared in a section of the press which is likely to lead anyone to clearly identify the victims or the alleged juveniles who are in conflict with law.

15.The writ petition stands dismissed subject to what has already been ordered by us. No costs. Consequently, W.M.P(MD)Nos. 11379 to 11381 of 2016 are closed.

(N.R.R.,J.) (S.S.S.R.,J.)
22.08.2016

sms

Note to Office:

Issue copy on 23.08.2016

NOOTY.RAMAMOHANA RAO,J
and
S.S.SUNDAR,J

sms

To

- 1.The Principal Secretary,
State of Tamil Nadu,
Home Department,
Secretariat, Chennai 600 009.
- 2.The Secretary,
State of Tamil Nadu,
Adi Dravida Welfare Department,
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- 3.The Director General of Police,
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