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W.P.No.23757 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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Shankar @ Savukku Shankar
S/o.Late Achimuthu,
No.1417, 12th Floor,
TVS Emerald Light House,
200 Feet Radial Road, Iswarya Nagar,
Pallavaram, Chennai-600 041.

Petitioner(s)

Vs

1. The State
Rep. by Principal Secretary to Government,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Vigilance Commissioner and
Commissioner for Administrative Reforms
Secretariat, Fort St. George,
Chennai-600 009.
3. The Joint Director
Central Bureau of Investigation South Zone,
EVK Sampath Building, College Road,
Chennai-600 006.



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4. Arun IPS
Director Directorate of Vigilance and
Anticorruption, No.93, MKN Road, Alandur
Chennai-600 016.

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Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 3rd respondent to conduct a fair, thorough, independent investigation against the 4th respondent, Mr.Arun, IPS, presently holding the post of the Director, Directorate of Vigilance and Anti-Corruption, Tamil Nadu, in the light of the adverse findings and observations recorded by this court in its order dated 29.05.2026 passed in H.C.P.No.2066 of 2025 and to submit a report before this court within a time frame to be fixed by this court and consequently take appropriate action in accordance with law.

For Petitioner(s): Mr.Balaji Srinivasan [Thru VC]
for M/s.P.Rajkumar Pandian

For Respondent(s): Mr.Mohammed Fayaz Ali
Government Pleader
for R1

Mr.M.Dinesh
Government Advocate (Crl)
for R2 to R4

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The extraordinary constitutional power granted under Article 226 of the Constitution of India is intended to champion the cause of justice, safeguard the public interest, and serve as a vital shield



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against arbitrary State action. However, when the threshold of this court is approached under the solemn nomenclature of "*Public Interest Litigation*" [PIL], the court is duty-bound to screen the credentials of the litigant with utmost circumspection.

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2. By way of this public interest litigation, the petitioner, Shankar @ Savukku Shankar, seeks issuance of a writ of mandamus directing the third respondent, the Central Bureau of Investigation [CBI], to conduct a fair, independent, and thorough investigation against the fourth respondent, Arun, IPS, who is currently serving as the Director of the Directorate of Vigilance and Anti-Corruption (DVAC), Tamil Nadu.

3. The foundational bedrock of the petitioner's plea rests heavily upon certain adverse judicial observations and severe strictures recorded against the fourth respondent by a Division Bench of this Court in *Varsha Sharma v. The Additional Chief Secretary to Government*¹.

¹ Order dated 29.5.2026 in HCP No.2066 of 2025



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4.1. Mr.Balaji Srinivasan, learned counsel appearing for the petitioner, contended that the continuous holding of the topmost position in the premier anti-corruption agency of the State by the fourth respondent directly dents public confidence. It is argued that a constitutional court has already cast severe aspersions on the officer's *bona fides*.

4.2. To reinforce his argument, learned counsel drew the attention of this court to certain observations made by the Division Bench in *Varsha Sharma* (supra). It was urged that the Division Bench had expressed severe anguish, noted that the officer was "*habituated to issuing such orders*" in a reckless manner, and had gone to the length of concluding that the preventive detention order was passed for "*extraneous reasons*". Learned counsel, therefore, asserts that an independent inquiry by an external agency like the CBI is absolutely indispensable to protect public interest, especially given the fact that the State has failed to initiate any action despite subsequent representations.



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4.3. During the course of the day, learned counsel for the petitioner submitted a compilation of judgments to establish the maintainability of this public interest litigation. To buttress the proposition that any public-spirited individual acting *bona fide* and possessing sufficient interest can seek judicial redress when constitutional or legal rights are infringed, strong reliance was placed on the landmark decision of the Supreme Court in *S.P.Gupta v. Union of India*².

4.4. To fortify the plea that the ultimate litmus test for the maintainability of a public interest litigation lies in the substance of the allegations and that the sufficiency of the petitioner's interest cannot be evaluated in isolation without examining the core subject-matter of the complaint, particularly when it demonstrates a gross failure to perform a public duty, reliance was placed on the decision of the Supreme Court in *Vishwanath Chaturdevi (3) v. Union of India*³.

² 1981 (Supp) SCC 87

³ (2007) 4 SCC 380



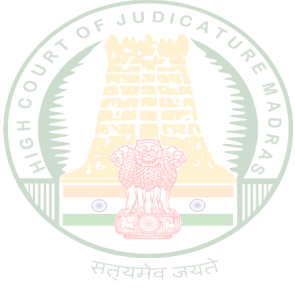
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5. We have heard the submissions, perused the materials placed on record, and analysed the judicial backdrop intertwined with this matter.

6. At the very outset, it is apposite to refer to certain observations contained in *Varsha Sharma* (supra) hereunder:

"18. A bare look at the sequence of events would show that the materials relied on by the detaining authority are rather stale and there is no live and proximate link with the detenu's past conduct. In other words, there was no urgent or imperative need to detain the detenu. The impugned order has to fail on this score also.

19. The detaining authority knew fully well that the case on hand does not fall within the category of public order. He also knew that he was placing reliance on events that had taken place not less than two years earlier. The detaining authority is not a novice. He is a direct recruit to I.P.S. He has served in various capacities. If with 28 years of experience such an order can be passed, it would only mean that it was done deliberately and with full knowledge of law and the facts involved.



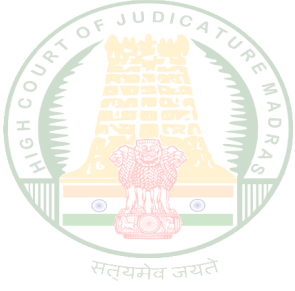
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20. It is not the first instance that the detaining authorities has come under our notice. **One Savukku Shankar leveled serious allegations against Thiru Arun IPS. According to him Thiru Arun IPS., had amassed wealth to the tune of a few hundred crores. Thiru Savukku Shankar also led a campaign against the previous Government. He was detained as a Goonda by the very same officer vide order dated 09.04.2026.** Challenging the same, HCP No.937 of 2026 was filed. When it was listed before us, the State submitted that the advisory board expressed its unanimous opinion that there is no sufficient cause for Savukku Shankar's detention. Hence, G.O.RT.No.2977 dated 19.05.2026 was issued revoking the detention. Since the two detention orders passed by Thiru Arun IPS came before us, we felt constrained to summon him.

...

23. Therefore, we are clearly of the view that the impugned detention order ought not to have been passed in the first instance. **We express our severe anguish and displeasure. We reject the explanation given by Thiru Arun IPS.** The impugned order has been deliberately passed. We would normally not make such remark. **But we are constrained to do so because Thiru Arun IPS is habituated to issuing such orders, most of which**



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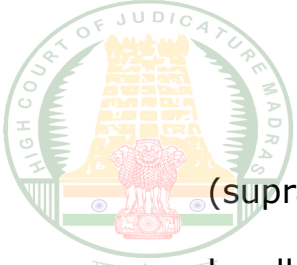
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have come to the notice of this Court and quashed. Even before us, he did not appear to feel that he had passed a wrong order. He strongly justified his conduct. He ought to be aware that a preventive detention order cannot be passed recklessly as it has serious implications on the detenu's liberty. **The detention order has been passed for extraneous reasons. We censure Thiru Arun IPS., for having passed the impugned detention order."**

[emphasis supplied]

7. We must note that the order in *Varsha Sharma* (supra) indeed reveals that the Division Bench had already censured the fourth respondent for having passed the detention order and recorded its displeasure regarding the arbitrary exercise of draconian preventive detention laws. However, the crucial question that falls for our determination is whether the petitioner has the requisite *locus standi* to maintain this action as a genuine champion of *pro bono publico*, or is the petition driven by personal malice.

8. A bare perusal of the very same order relied upon by the petitioner exposes a fatal infirmity regarding the maintainability of this writ petition. In paragraph 20 of the order in *Varsha Sharma*



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(supra), it has been specifically recorded that the petitioner has levelled serious allegations against the fourth respondent. The said observation unequivocally demonstrates a personal adversarial equation between the petitioner, Savukku Shankar, and the fourth respondent.

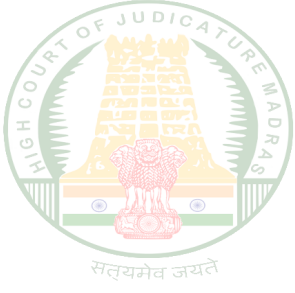
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9. It is a well-settled principle of constitutional jurisprudence that a public interest litigation cannot be utilized as a strategic weapon to settle personal scores or satisfy a private grudge. Article 226 jurisdiction must not be abused by individuals who pretend to fight for justice while acting on personal or hidden motives.

10. The Supreme Court has time and again issued a stern red alert against entertaining PILs driven by private malice. In *Janata Dal v. H.S. Chowdhary*⁴, the Apex Court observed as under:

"109. It is thus clear that only a person acting bona fide and having sufficient interest in the proceeding of PIL will alone have a 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

⁴ (1992) 4 SCC 305



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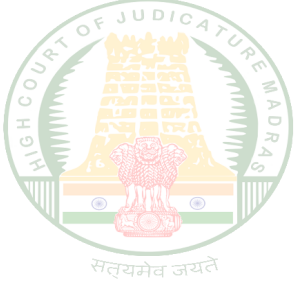
or private profit or political motive or any oblique consideration. Similarly, **a vexatious petition under the colour of PIL brought before the court for vindicating any personal grievance, deserves rejection at the threshold.**"

[emphasis supplied]

11. Similarly, in *Dattaraj Nathuji Thaware v. State of Maharashtra*⁵, the Supreme Court unequivocally ruled that:

"4. When there is material to show that a petition styled as a public interest litigation is nothing but a camouflage to foster personal disputes, the said petition is to be thrown out. Before we grapple with the issue involved in the present case, we feel it necessary to consider the issue regarding public interest aspect. **Public interest litigation which has now come to occupy an important field in the administration of law should not be "publicity interest litigation" or "private interest litigation" or "politics interest litigation" or the latest trend "paise income litigation".** The High Court has found that the case at hand belongs to the last category. **If not properly regulated and abuse averted, it becomes also a tool in unscrupulous hands to release vendetta and wreak vengeance, as well.**

5 (2005) 1 SCC 590



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There must be real and genuine public interest involved in the litigation and not merely an adventure of a knight errant borne out of wishful thinking. It cannot also be invoked by a person or a body of persons to further his or their personal causes or satisfy his or their personal grudge and enmity. ..."

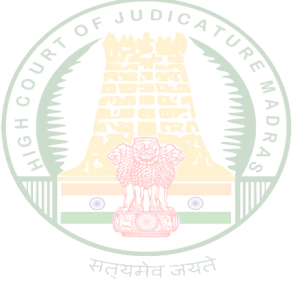
[emphasis supplied]

12. Public Interest Litigation is a sacred tool intended to bring justice within the reach of the marginalized and vulnerable segments of society who are unable to approach the courts due to structural or economic socio-disabilities. It cannot be reduced to a forum for vindicating personal animosity. Since paragraph 20 of the order passed *Varsha Sharma* [supra] explicitly records the hostile backdrop and serious personal allegations made by the petitioner against the fourth respondent, the intent behind this petition cannot be termed as purely public-spirited or *bona fide*. Consequently, the present public interest litigation at the instance of the petitioner, Savukku Shankar, is not maintainable.



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13. While this court acknowledges the foundational legal principles enunciated in **S.P. Gupta** (supra) and **Vishwanath Chaturvedi (3)** (supra), as cited by learned counsel for the petitioner, the reliance placed on these authorities is entirely misplaced in the matrix of the present case. There is no quarrel with the proposition that a *bona fide* public-spirited citizen can seek judicial redress to enforce a public duty, however, the critical, non-negotiable prerequisite explicitly demanded by both precedents is that the litigant must act *bona fide* and without oblique motives. The ultimate test of substance and public interest cannot be used as a shield to validate an action that is fundamentally rooted in personal animosity. In the instant case, the record is unmistakably clear about the petitioner's personal grievance against the fourth respondent and the same completely strips this petition of its *bona fide* character. When the order in *Varsha Sharma* (supra) explicitly records that the petitioner has levelled serious allegations against the fourth respondent, the question of evaluating the sufficiency of public interest or the substance of the complaint becomes entirely secondary, as this court cannot allow its extraordinary jurisdiction under Article 226 to be weaponized for personal vendettas.



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14. In light of the aforesaid findings and authoritative pronouncements of the Supreme Court, this Court holds that the petitioner lacks the *bona fides* required to sustain this action.

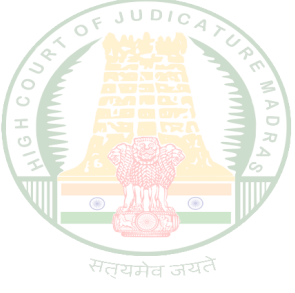
The writ petition is, accordingly, dismissed as not maintainable, sans costs.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
01.07.2026

Index : Yes
Neutral Citation : Yes
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THE HON'BLE CHIEF JUSTICE
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(sasi)

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