

M.P.Nos. 1 and 1 of 2015
In
W.P.Nos. 21329 & 21574 of 2014

T.S.SIVAGNANAM, J.

The petitioner appeared in person before this Court today.

2. These Miscellaneous Petitions have been filed to set aside the order dated 10.02.2015 in W.P.Nos. 21329 and 21574 of 2014.

3. The petitioner appearing in person submitted that due to ill-health and various family circumstances and he had to take care of his mother, elder sister viz., Kathiji Beevi, who has admitted in Thanjavur Medical College Hospital and subsequently passed away, he could not appear before this Court.

4. In the light of the said submissions made by the petitioner, this Court was inclined to hear the petitioner on merits of the submissions.

5. The petitioner would submit that he has not suppressed any fact and he has stated about the pendency of Writ Appeal in W.A.SR.No. 55197 of 2013 and he would assert that the cause of action for filing these Writ Petitions are entirely different from the earlier Writ Petition.

6. After hearing the petitioner in person and after careful perusal of the materials placed on record, it has to be pointed out by this Court that after considering the entire factual aspects and also taking note of the fact, as to how the petitioner filed the present Writ Petition and in paragraph 8 of the order dated 10.02.2015 rendered the following findings:-

"8. It is seen that the impugned order in this Writ Petition is a certified copy issued to the petitioner pursuant to his application dated 22.07.2011. In the said application, Court fees was called for on 04.08.2011, the petitioner remitted the same on 05.08.2011 and the copy was delivered on 10.08.2011. The earlier Writ Petition, namely, W.P.No. 18645 of 2011 was filed before this Court in August 2011 supported by a affidavit sworn

on 03.08.2011, the Writ Petition is dated 08.08.2011, therefore, the present Writ Petitions have been filed using the certified copy obtained by the petitioner after filing the earlier Writ Petition, since the copy was delivered to him only on 10.08.2011. This again is one more factor, which will disentitle the petitioner to maintain these writ Petitions.”

7. From the above referred order, it is seen that the earlier Writ Petition was filed challenging the very same impugned order. But only thing is that the present Writ Petitions were filed by using certified copy obtained by the petitioner after filing the earlier Writ Petition. That apart, this Court also considered the other legal issues in the Writ Petition and found that there is absolutely no ground made out to interfere with the impugned order.

8. In the light of the above, there is absolutely no ground made out to set the order and since already the petitioner has preferred Writ Appeal against the dismissal of the earlier Writ Petitions, it is up to the petitioner to pursue the same in the manner known to law. Hence, this Court is of the view that the petitioner has not made

out any ground to set aside the order made in W.P.Nos. 21329 & 21574 of 2014 dated 10.02.2015. Accordingly, the Miscellaneous Petitions are dismissed.

9. After the above order was dictated, the petitioner appearing in person pleaded that the cost imposed by this Court may be deleted and he has no source of income.

10. The learned counsel appearing for the respondents submitted that the Writ Petition itself is a clear abuse of process of Court and after considering the circumstances, this Court imposed the cost and the petitioner is not justified for pleading any lenience. However, taking into consideration of the submissions made by the petitioner, the cost already imposed at Rs.5,000/- for each petition is reduced to Rs.1,500/- for each petition.

26.03.2015

vsg

T.S.SIVAGNANAM, J.

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