

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 18961 of 2015

S. Ashok Kumar

..Petitioner

Vs.

1. The Secretary to Government,
Highways and Minor Ports
Department,
Secretariat,
Chennai - 600 009.
 2. Chief Engineer (Highways),
Project Wing,
Panagal Building,
Saidapet, Chennai - 15.
- ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 1st respondent to dispose of the representation dated 29.04.2015 for reconvening the Technical Committee and provide reasonable opportunity of hearing.

For Petitioner :: Mr.S.Ashokkumar, Party in person

For Respondents:: Mr.RM.Muthukumar,
Govt. Advocate

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the 1st respondent to dispose of the representation dated 29.04.2015 for reconvening the Technical Committee and provide reasonable opportunity of hearing.

2. After arguments were advanced, it was brought to the notice of this Court by the learned Government Advocate, that the petitioner's father had already filed two writ petitions in W.P. Nos. 7098 of 2012 & 4527 of 2013 for similar reliefs and the said writ petitions were dismissed.

3. From the above, it is clear that the petitioner is not the owner of the house site at S.F. No. 653/2 of Erode "C"

Village of Erode Taluk and District and the building thereon and it is only the petitioner's father, by name, C. Subramanian, who is the owner of the property. However, these details have not been disclosed in the writ petition and contrary to the facts, in paragraph No.3, the petitioner has stated as follows:

"3. I submit that this project is proposed to be laid on the house site owned by me in S.F. No. 653/2 of Erode 'c' village of Erode Taluk and District measuring an extent of 2800 sq.ft. I submit that I have constructed a house on the above land having a plinth area of 1300 sq.ft."

When questioned, the petitioner himself admitted that it is only his father, who is the owner of the property in question and that he is not the owner, which only goes to show that there is a clear attempt on the part of the petitioner to mislead this Court and to obtain orders. Moreover, the petitioner is appearing as party-in-person, that too, after getting advice from a retired Tahsildar, who drafted the writ petition. It is a clear case, which throws light on the aspect how petitions are being drafted by persons totally unconnected with legal profession and making the parties to appear in person to defend their case and also the threat faced by legal profession nowadays on account of such people. Further, it is seen that some of the parties are taking the Courts for granted and they are under the mistaken notion that if they appear in person, they can win over the sympathy of the Courts and get favourable orders, which also works sometimes.

4. As far as the instant case is concerned, the petitioner is not the owner of the property in question. Therefore, the writ petition cannot be entertained. Though the petitioner expressed his willingness to withdraw the writ petition, when this Court expressed its opinion regarding the maintainability of the writ petition, this Court did not permit him to withdraw the writ petition and the writ petition stands dismissed for the reasons stated above. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

nv

To

1. The Secretary to Government,
Highways and Minor Ports
Department,
Secretariat,
Chennai - 600 009.
2. Chief Engineer (Highways),
Project Wing,
Panagal Building,
Saidapet, Chennai - 15.

+1 cc to Government Pleader, sr.58091

W.P. No. 18961 of 2015

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kra 24.11.2015



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