

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 11.04.2016
Delivered on : 28.04.2016

CORAM

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.40207 of 2015,
Cont.P.No.943 of 2015 and Sub.A(OS).No.16 of 2016,
and M.P.Nos.1 & 2 of 2015 in W.P.No.20527 of 2014

W.P.No.40207 of 2015

Ganesan

... Petitioner

Vs.

1. Madurai Achari

2. The Block Development Officer,
Block Development Office,
Illathoor Panchayat Union,
Cheyyur, Kancheepuram District.

3. The Executive Officer,
Cheyyur Panchayat,
Kancheepuram District.

... Respondents

Cont.P.No.943 of 2015

S.P.Moorthy

... Petitioner

Vs.

Dr.V.K.Shanmugam IAS
The District Collector,
Kancheepuram District

... Respondent

Prayer in W.P.No.40207 of 2015:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the third respondent to implement the order passed by the 2nd respondent dated 15.09.2015 in Na.Ka.No.1298/2018/A3.

Prayer in Cont.P.No.943 of 2015:- Contempt Petition filed under Section 11 of the Contempt of Court Act to punish the respondent herein for not complying with the common orders of this Court made in W.P.No.20527 of 2014 dated 01.08.2014.

For Petitioner
Cont.P.943/2015

: Mr.V.S.Mannarswamy
& Mr.J.Nithyanandhan

W.P.No.40207/2015

: M/s.G.Saranya

M.P.No.1 of 2015

: Mr.S.R.Sundar - Petitioner
Mr.C.S.K.Sathish - R1
Mr.S.T.S.Murthy, G.P., - R2
G.Saranya - R3

M.P.No.2 of 2015

: Mr.C.S.K.Sathish - Petitioner
Mr.S.T.S.Murthy, G.P., - R1
K.Moorthy for S.R.Sundar - R2
G.Saranya - R3

For Respondents

: Mr.S.T.S.Moorthy
Government Pleader

W.P.No.40207/2015

: Mr.K.Moorthy for S.R.Sundar
for R1
E.R.A.Premnath, G.A.,
for R2 & R3

C O M M O N O R D E R

M.SATHYANARAYANAN, J.

Facts leading to these cases are intertwined and therefore, these cases are disposed of by this common order.

2. The factual matrix of the cases are as follows:

2.1. The petitioner in Cont.P.No.943 of 2015, namely S.P.Moorthy, son of Shri Ponaj, residing at No.9/40, Pettai Street, Cheyyur, Kancheepuram District has filed W.P.No.20527 of 2014 against the Collector of Kancheepuram District, Madurai Achari, son of Kuppusamy and Ganesan Achari, son of Mani Chari, praying for issuance of a Writ of Mandamus directing the Collector of Kancheepuram District to take appropriate action to seal the KMS Marriage Hall at Survey No.870/11, Pettai Street, Cheyyur, Kancheepuram District. It is the case of the petitioner that he, being the resident of Pettai Street, Cheyyar, has filed

the said writ petition as a Public Interest Litigation and due to construction of marriage hall by the respondents 2 and 3, ingress and egress to their street is affected and moreover vehicles used by the visitors to attend the function in the said hall are being parked, which also adds to the difficulty. It is further alleged by the petitioner that the respondents 2 and 3, while constructing the marriage hall, had encroached and filled the canal for rain water with sand and cut the flow of rain water which caused inconvenience to the residents and in this regard, the residents made a joint representation dated 23.06.2014 to the first respondent and though it was received and acknowledged, no response was forthcoming and therefore, filed W.P.No.20527 of 2014 by way of Public Interest Litigation.

2.2. When the writ petition was listed for admission, learned Government Advocate took notice on behalf of the first respondent and taking into consideration the submission made by the learned Government Pleader that the representation submitted by the petitioner to the first respondent will be disposed of within a maximum period of one month and further taking into consideration of the fact that numerous petitions are coming before this Court alleging unauthorized constructions, misuse of waterways and the functioning of Local Body, which remains unaddressed, this Court directed the State Government to take necessary steps to issue a Government Order directing all concerned authorities to attend to such representations within a maximum period of 30 days from the date of receipt of representation, with a speaking order and disposed of the writ petition accordingly.

2.3. The petitioner in W.P.No.20527 of 2014, alleging non-compliance of the order on the part of the Collector of Kancheepuram District, has filed Cont.P.No.943/2015 and it was listed for hearing on 01.09.2015 and this Court ordered notice to the respondent/contemnor and further directed the respondent to file an affidavit within two weeks as to why he should not be proceeded and punished in accordance with law.

2.4. The District Revenue Officer and District Collector, In-charge of the Office of the District Collector, Kancheepuram, has filed a counter affidavit dated 07.10.2015 stating that the petitioner in W.P.No.20527 of 2014, namely S.P.Moorthy was personally heard and during the time of hearing, he has submitted a written statement stating that he has not filed any writ petition in that regard and further stated that somebody has misused his name, however enquiry was also conducted with regard to the representation submitted by him and it was found that there was an encroachment in S.No.868/35 of Cheyyur Village and Taluk to an extent of 23 feet in Village Panchayat Cement

Road by constructing compound wall and entrance for a marriage hall and therefore, Tahsildar Cheyyar has issued a notice under Section 7 of the Land Encroachment Act on 06.10.2015 and follow up action will be carried out within a month's time. Insofar as other directions issued by this Court while disposing of the said writ petition, it is stated in the counter affidavit that the Government had issued an order in G.O.(Ms).No.99, Personnel and Administrative Reforms (A) Department dated 21.09.2015 giving instructions to all the Government Officers in the State fixing the maximum period of one month for disposal of the grievance petition which should be a speaking order in the event of redressal or rejection if found necessary.

2.5. The second respondent in W.P.No.20527 of 2014, namely Madurai Achari, had filed M.P.No.1 of 2015 in W.P.No.20527 of 2014 to recall the order dated 01.08.2014 passed in the said writ petition by stating among other things that one Mani Achari, himself and one Perumal Achari owned and possessed Acre 0.47 cents at Pettai Street, Cheyyur and the third respondent in the said writ petition, namely Ganesan Asari is none other than the petitioner's brother Mani Achari's son and they have previous enmity with him. It is further stated in the said affidavit that by way of registered partition between him and Mani Achari, registered as Doc.No.923/1961, out of an extent of 0.47 cents at Pettai Street, Cheyyur Village comprised in Old Survey No.414/3, 0.14 cents of land was allotted to the petitioner and another 0.14 cents was allotted to Mani Achari and the balance extent of 0.19 cents was allotted to Perumal Achari and subsequently the Old Survey No.414/3 was subdivided as S.Nos.870/11 and 870/14. Mani Achari in-turn sold the lands allotted to him. The petitioner was also issued with patta in respect of land allotted to him after conducting enquiry and claims that he is in enjoyment of the property without any encumbrance from 1988 to till date and he alone is entitle to maintain the community hall which was constructed out of his own funds and he subsequently formed a Trust and by means of a Registered Trust Deed dated 23.11.1999, the petitioner became the Managing Trustee along with other trustees.

2.6. It is further stated by Madurai Achari in M.P.No.1 of 2015 that Ganesan Achari had also filed O.S.No.10/2011 on the file of the District Munsif Court, Maduranthakam alleging that the petitioner had constructed the marriage hall on the public road and therefore, filed the Suit for permanent injunction restraining Madurai Achari/petitioner from committing nuisance and also for removal of alleged encroachment and the said Suit was dismissed for default on 09.06.2014 and the restoration application filed by him had also ended in dismissal. It is further alleged that Ganesan Achari had approached the Revenue

Divisional Officer, Maduranthakam for obtaining joint patta and the said official, without adverting to the facts and circumstances, has passed an order granting joint patta and challenging the legality of the same, he has also filed an appeal before the District Revenue Officer and since it was not disposed of, he has filed W.P.No.13667/2014 for passing appropriate orders. This Court has disposed of the said writ petition on 30.04.2015 with certain directions. It is also stated by the petitioner in M.P.No.1 of 2015/Madurai Achari that the representation dated 23.06.2014 has not been submitted by S.P.Moorthy and had been forged at the instance of Ganesan Achari and his son Purushothaman and so also Cont.P.No.943/2015 and in this regard, he has also met the District Collector, Kancheepuram and reported about the said facts.

2.7. It is the case of the petitioner/Madurai Achari that since the signature of Mr.S.P.Moorthy has been forged at the instance of Ganesan Achari and his son Purushothaman, suppressing the disposal of O.S.No.10/2011, had obtained orders in W.P.No.20527 of 2014 and prayed for recalling of the order. S.P.Moorthy - petitioner in W.P.No.20527 of 2014 also filed M.P.No.2 of 2015 in the said writ petition praying for deletion of the name of the petitioner in the writ petition as well as in the contempt petition and directing the concerned law enforcing authorities to initiate appropriate legal action against the persons who have interfered with the administration of justice by filing the writ petition as well as contempt petition by misusing his name and for forging the petitioner's signature. S.P.Moorthy, in the affidavit filed in support of the said writ petition would state that he is a resident of Cheyyur Village and Purushothaman, son of Ganesan Achari, who is also a resident of a same place, is known to me for several years and around June 2014, he approached him under the pretext that he is taking initiatives with local authorities to clean the drainage running at Pettai Street, Cheyyur and sought his signature in a blank paper and believing his representation as public interest, he subscribed his signature and handed over the same to Purushothaman and thereafter, his signature was forged. During 2nd week of August 2015, he received a letter from Taluk Office, Cheyyur and on perusing the same, he was totally baffled and when he met the said official, he was directed to approach the District Collector and when he met him, to his shock and surprise, he was informed that a public interest litigation in W.P.No.20527 of 2014 was filed by him and obtaining orders and as well as filing of contempt petition in Cont.P.No.943 of 2015 alleging non-compliance of the said order.

2.8. It is the categorical stand of S.P.Moorthy that he has not signed any papers with regard to W.P.No.20527 of 2014 as well as Cont.P.No.943 of 2015 and to that effect, he has also filed an affidavit in Cont.P.No.943 of 2015 before this Court and this Court had also conducted enquiry and verified his identity with Aadhar Card and obtained his admitted signature. It is further stated that he strongly apprehend that Purushothaman, son of Ganesan Achari, either on its own or in collusion with others, would have ventured into such acts of misusing his name by taking advantage of the petition signed for cleaning drainage at Cheyyur and though he sent a complaint by registered post to the Inspector of Police, Cheyyur for forging and fabrication of his signature, the said official is not inclined to take action on account of pendency of the proceedings before the Court and in this regard, he has also submitted a representation to the Deputy Superintendent of Police, Maduranthakam and Superintendent of Police, Kancheepuram for appropriate action and therefore, prayed for the above said relief.

2.9. In the light of the said development, this Court, vide order dated 26.11.2015, has directed the presence of Mr.Purushothaman on 05.01.2016 and on that day, this Court noted the fact that Mr.Purushothaman, despite service of notice, was not present and therefore, issued Bailable Warrant for his production and having taken note of the fact that his father Ganesan Achari had filed W.P.No.40207 of 2015, directed the listing of the matter along with contempt petition and this Court, vide order 04.03.2016, directed Mr.Purushotaman to remain present on 11.04.2016.

2.10. Mr.Purushothaman, son of Ganesan Achari had filed third party affidavit dated 11.01.2016 in Cont.P.No.943 of 2015, wherein he would aver among other things that in the year 2014, S.P.Moorthy, himself along with villagers made a representation dated 23.06.2014 to the Collector of Kancheepuram District for demolition of KMS Marriage Hall which is causing nuisance to the people of Cheyyur village and since no action was taken, S.P.Moorthy (deponent) and villagers planned to file a Public Interest Litigation and service of an Advocate, namely Mr.Ashok Varadhan was engaged to file the said case and S.P.Moorthy volunteered to do so and all documents were handed over to him and accordingly W.P.No.20527 of 2014 was filed by the Advocates, namely M/s.V.S.Mannarsamy, B.Manoharan and S.Sumathi - friends of Mr.Ashok Varadhan and it was disposed of on 01.08.2014 with certain directions and since it was not complied with, they once again approached this Court and thereafter, a decision was taken to file a contempt petition and accordingly, it was filed.

However, the petitioner, namely S.P.Moorthy suddenly appeared before the Court on 26.11.2015 and made a submission that he did not file the writ petition as well as the contempt petition and this Court directed the presence of Mr.Ashok Varadhan, who has informed him that he was engaged by Mr.Purushothaman/deponent and accordingly, he has filed the affidavit. It is further stated that when he received the notice, he contacted the Advocate and he informed about the happenings that took place in the Court on 26.11.2015 and asked him to appear before the Court on 05.01.2016 and though he was present on that day and due to the fact that he was unaware of the Court proceedings, he did not make any representation when the matter was called and therefore, filed the third party affidavit to recall the warrant issued against him.

2.11. Mr.Ashok Varadhan had also filed an affidavit dated 15.11.2015 in Cont.P.No.943 of 2015 stating that his father-in-law's family is a native of Cheyyur Village, Kancheepuram District and in view of the same, during June 2014, 4 or 5 persons met him in person and briefed about the case and instructed him to file case based on the representation dated 23.06.2014 and during middle of July 2014, two persons met him at his residence and signed the affidavit and vakalat and he filed W.P.No.20527 of 2014 through Mr.V.S.Mannarasamy, Mr.B.Manoharan and it was disposed of by this Court on 01.08.2014 with certain directions and in the month of March 2015, Mr.Purushothaman met him in Court and informed him that in spite of orders passed by this Court, no action has been taken and therefore, he requested the counsel on record to issue notice to the District Collector, Kancheepuram and accordingly, it was issued and when Purushothaman met him, he advised him to file contempt petition and accordingly, few days later, Purushothaman collected the affidavit and vakalat for getting signature from the petitioner, based on which contempt petition was filed. It is further stated by him that Mr.Purushothaman met him and provided all materials regarding the case and he trusted him and handed over the papers to get the signatures of Mr.S.P.Moorthy and he was not aware of the internal disputes between the parties and misusing the signatures and therefore, tendered his unconditional apology.

2.12. M.Ganesan @ Ganesan Achari, Son of Mani Achari has filed W.P.No.40207 of 2015 against Mr.Madurai Achari, Block Development Officer, Illathoor Panchayat Union, Cheyyur, Kancheepuram District and The Executive Officer, Cheyyur Panchayat, Kancheepuram District, praying for issuance of a Writ of Mandamus directing the third respondent to implement the order passed by the second respondent dated 15.09.2015 and to pass appropriate orders. It is further stated by Ganesan @

Ganesh Achari that he is the absolute owner of vacant house site and house comprised in Grama Natham Survey No.870/11 to an extent of 12150 sq.ft. and to an extent of 236 sq.ft. in Survey No.870/25, in all total extent of 8½ cents along with some other properties which was originally belonging to his late grandfather Kuppusami Achari and after his demise, a partition was effected between his father and the first respondent, namely Madurai Achari on 19.02.1961, vide Doc.No.923/1961, wherein the above mentioned properties were allotted to his father as 'A' Schedule Properties and after the demise of Mani Achari in the year 1988, the said properties devolved on him and he has also got patta No.96 as well as got mutation of revenue records in his name and put up superstructure and residing there till date. It is further averred by Ganesan Achari that his paternal uncle instead of giving half share in 6.50 cents in Survey No.870/11, approached the revenue authorities and managed to get patta in his name and also put up marriage hall and in this regard, various proceedings are pending before the revenue authorities and before the Court. The first respondent, namely Madurai Achari not only cheated him but also cheated the revenue authorities by encroaching upon public place belonging to Panchayat by raising compound wall in Survey No.868/35 measuring 73.5 sq.ft. In this regard, Ganesan Achari has given various representations to the respondents 2 and 3 between May and August 2015 and based on his representations, the second respondent has passed an order dated 15.09.2015, ordering removal of encroachment and inspite of such an order passed, the third respondent did not chose to take any further step and therefore, constrained to approach this Court by filing W.P.No.40207 of 2015.

2.13. The first respondent, namely Madurai Achari, has filed a counter affidavit narrating the events that took place as the details of which are also given in M.P.No.1 of 2015 for recall of the order in W.P.No.20527 of 2014 and would submit that the order of the second respondent, namely RDO is in consonance with his earlier order dated 28.02.2013 and would further submit that the writ petition as well as the contempt petition have been filed by forging the signature of S.P.Moorthy and there is a deliberate suppression of filing of the Suit in O.S.No.10/2011 and prayed for dismissal of the writ petition.

3. Mr.S.R.Sundar, learned counsel appearing for the petitioner in M.P.No.1 of 2015 in W.P.No.20527 of 2014 as well as the first respondent in W.P.No.40207 of 2015, namely Madurai Achari, has drawn the attention of this Court to the typed set of documents and would submit that after due enquiry, patta was granted in respect of the property in question and for the very same relief, Ganesan Achari had filed O.S.No.10/2011 on the file

of the District Munsif Court, Maduranthakam praying for a judgment and decree for permanent injunction restraining the defendant, namely Madurai Achari and his son Karunamurthy and others from causing nuisance by putting audio loud speakers and not to permit the marriage hall by placing digital banners and for a mandatory injunction to remove the encroachment by Madurai Achari in Pettai Street described in B Schedule Property within two months from the date of judgment, failing which appropriate direction may be given and also for costs of the Suit and the said Suit came to be dismissed for default on 09.06.2014 and the application filed by him in I.A.No.489/2015 for restoration was allowed with costs of Rs.1,000/- to be paid on or before 26.06.2015 and since it was not complied with, the said application was also came to be dismissed and suppressing the said material fact, the petitioner, namely Ganesan Achari has filed this writ petition. It is the further submission of the learned counsel appearing for the petitioner in M.P.No.1 of 2015 that the proceedings of the Block Development Officer, Elathur Panchayat dated 15.09.2015 addressed to the President/Executive Officer of the Cheyyur Panchayat would indicate that as per the proceedings of the Village Administrative Officer, Cheyyur, certain portion of the public property had been encroached by the construction of marriage hall and admittedly, the petitioner, namely Madurai Achari was not put on notice and therefore, the writ petition in W.P.No.40207 of 2015 per se is not maintainable. It is also contended by the learned counsel appearing for the petitioner in M.P.No.1 of 2015 that in the light of the stand taken by the petitioner in W.P.No.40207 of 2015 as well as Cont.P.No.943 of 2015, namely S.P.Moorthy, the counter affidavit of the Collector, Kancheepuram District in the said contempt petition, this Court may suo motu initiate appropriate proceedings for contempt and perjury and to recall the order passed in W.P.No.20527 of 2014.

4. Per contra, Mrs.G.Saranya, learned counsel appearing for Ganesan @ Ganesan Achari, namely the petitioner in W.P.No.40207 of 2015 would contend that the petitioner, namely S.P.Moorthy, did sign the representation as well as the affidavits filed in support of W.P.No.20527 of 2014 and Cont.P.No.943 of 2015 and for the reasons best known to him, had choose to file affidavit denying his signature. Insofar as the allegation that Ganesan @ Ganesan Achari suppressed the dismissal of the Suit in O.S.No.10/2011, it is submitted that the said writ petition in W.P.No.20527 of 2014 was filed as party-in-person and since he was not aware of the legal proceedings, the said mistake had occurred, which is neither willful nor wanton and prays for condonation of delay and also prays for dismissal of contempt petition as well as disposal of W.P.No.40207 of 2015 on merits.

5. This Court paid its best attention to the rival submissions and also perused the materials placed before it.

6. A comparison of the signature of Thiru.S.P.Moorthy in W.P.No.20527 of 2014 and Cont.P.No.943 of 2015 prima facie appears to be different. Thiru.S.P.Moorthy had also filed M.P.No.2 of 2015 stating that Purushothaman, Son of Ganesan Achari approached him under pretext to take initiative to clean the drainage and obtained signature in blank sheets and used the same for filing W.P.No.20527 of 2014 and only when he received notice from the revenue authorities, he became aware of the orders passed in the said writ petition and in para 5 of the affidavit, he took a stand that he never initiated W.P.No.20527 of 2014 as well as Cont.P.No.943 of 2015 and on becoming aware of the same, he met the Collector, Kancheepuram District and submitted a representation and also took a stand that he never met the counsel to file writ petition as well as contempt petition and engaged/instructed him at any point of time and he has not sworn to any affidavit filed in support of the legal proceedings and in this regard, he has also lodged a complaint to the Inspector of Police, Cheyyur and no action was taken, on account of pendency of the proceedings.

7. The Collector of Kancheepuram District has also filed a counter affidavit in Cont.P.No.943 of 2015 stating among other things that S.P.Moorthy was called upon to attend enquiry, but he submitted a written statement stating that he has not filed any writ petition and somebody has misused his name, however, the petition received in his name was enquired and it was found that there was an encroachment in S.N.868/35 of Cheyyur Village and Taluk to an extent of 23 feet in Village Panchayat Cement Road by constructing compound wall and entrance for the marriage hall and necessary proceedings have been initiated under Section 11(7) of the Land Encroachment Act and follow up action has also been taken. This Court has issued Bailable Warrant against Purushothaman, having taking note of the above said facts and he has also filed a third party affidavit for recalling the Bailable Warrant and took a stand that he along with Thiru.S.P.Moorthy and villagers had submitted a representation to the Collector, Kancheepuram District for demolition of KMS Marriage Hall and since no orders were passed, engaged the services of Mr.Ashok Varadhan, who engaged the services of his friends, namely M/s.V.S.Mannarsamy, B.Manoharan and S.Sumathi to file writ petition and even after disposal, no action was taken and therefore, filed Cont.P.No.943 of 2015.

8. In W.P.No.40207 of 2015, the petitioner, namely Ganesan Achari admittedly did not disclose the fact of filing of O.S.No.10/2011 on the file of the Court of District Munsif,

Maduranthakam as well as the order dismissing for default and also dismissal of the restoration application. It is to be pointed out at this juncture that part of the prayer is also for removal of encroachment in the marriage hall said to have been put up by Madurai Achari and his son M.Karunamurthy, who are arrayed as the defendants 1 and 2.

9. It is the submission of the learned counsel appearing for Ganesan @ Ganesan Achari that since he filed the writ petition as Party-in-Person, was not aware of the intricacies of the legal proceedings and that is why the fact of filing the Suit have not been disclosed. In the considered opinion of the Court, such a stand taken by the petitioner in W.P.No.40207 of 2015 is wholly untenable. The petitioner, being a Party-in-Person, is expected to be more careful while preparing the affidavit and having filed the Suit and got dismissed for default and so also the application for restoration, is bound to disclose the same in the writ petition as the said fact would have a definite bearing on the disposal of the same.

10. It is the submission of the learned counsel appearing for the petitioner in M.P.No.1 of 2015, namely Madurai Achari that on account of the stand taken by S.P.Moorthy - namely the petitioner in M.P.No.2 of 2015, the order passed in W.P.No.20527 of 2014 is to be recalled and the closure of the contempt petition, proceedings of the Block Development Officer, Ellathur dated 15.09.2015 have to be quashed for the reason that the said official has arrived at a decision regarding encroachment without even putting him on notice. However, this Court is not inclined to do so for the reason that the Collector of Kancheepuram District in the counter affidavit in Cont.P.No.943/2015 in para 4 has averred as follows:

"4. It is submitted that Mr.S.P.Moorthy, the petitioner herein was personally heard by the then District Collector, Kancheepuram on 08.09.2015. During the time of hearing, he has submitted a written statement stating that he has not filed any Writ Petition in this regard and further stated that somebody has misused his name. However, the petition received in the name of the petitioner was enquired and it was found that there was an encroachment in S.No.868/35 of Cheyyur Village and Taluk to an extent of 23 Feet in Village Panchayat Cement Road by constructing Compound Wall and Entrance for a Marriage Hall. Hence, the Tahsildar Cheyyur has issued notice under Section 7 of the Land Encroachment Act on 06.10.2015 and follow up action including issuing of Section 6 Notice will be carried out within a month's time."

Therefore, Tahsildar Cheyyur as well as the Collector of Kancheepuram District while considering the issue regarding removal of encroachment in S.No.868/35 to an extent of 23 feet in Cheyyur Village, shall follow the procedure mandated under Land Encroachment Act and pass appropriate orders as expeditiously as possible.

11. In the considered opinion of the Court, the issue regarding alleged fabrication and forgery in the proceedings in W.P.No.20527 of 2014 as well as Cont.P.No.943 of 2015 involve disputed questions of fact and therefore, it cannot be decided. It is also to be pointed out at this juncture that the petitioner in W.P.No.20527 of 2014 as well as Cont.P.No.948 of 2015, namely S.P.Moorthy has also lodged a complaint on the file of the Inspector of Police, Cheyyur and it is open to him to pursue the said remedy. The petitioner in M.P.No.1 of 2015, namely Madurai Achari is also at liberty to initiate appropriate legal action in accordance with law, if so advised, against Ganesan @ Ganesan Achari and his son Purushothaman.

12. In the considered opinion of the Court, suppression of the fact relating to O.S.No.10/2011 on the file of the Court of District Munsif, Maduranthakam by the petitioner in W.P.No.40207 of 2015, namely Ganesan @ Ganesan Achari is willful and deliberate and therefore, he is to be mulcted with costs.

13. In the result,

(1) M.P.Nos.1 and 2 of 2015 in W.P.No.20527 of 2015 are disposed of accordingly, subject to observations made in paras 10 and 11.

(2) In the light of the stand taken by the Collector of Kancheepuram District in the counter affidavit, no further orders are necessary. Hence, Cont.P.No.943 of 2015 is closed. Consequently, Sub.A.No.16 of 2014, filed for recalling the Bailable Warrant against the petitioner/third party is also closed.

(3) W.P.No.40207 of 2015 is dismissed with costs of Rs.10,000/- (Rupees Ten Thousand Only) payable to the Tamil Nadu State Legal Services Authority, High Court, Chennai, on or before 21.06.2016.

List for compliance on 22.06.2016.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jvm

To

1. The Block Development Officer,
Block Development Office,
Illathoor Panchayat Union,
Cheyyur, Kancheepuram District.
2. The Executive Officer,
Cheyyur Panchayat,
Kancheepuram District.
3. Dr.V.K.Shanmugam IAS
The District Collector,
Kancheepuram District.
4. The Secretary,
Tamil Nadu State Legal Services Authority,
High Court, Chennai.
5. The Section Officer,
Writ Section,
High Court, Madras.
(Post on 22.06.2016 for Compliance)

+1cc to Mr.K.Moorthy, Advocate, S.R.No.27840

W.P.No.40207 of 2015,
Cont.P.No.943 of 2015 and
Sub.A(OS).No.16 of 2016,
and M.P.Nos.1 & 2 of 2015
in W.P.No.20527 of 2014

KSJ(CO)
CA(25/05/2016)

WEB COPY