

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.06.2016
CORAM
The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.17329 of 2013
and
M.P.No.1 of 2013

Adambakkam Kudisai Vazhavor Munnatra Sangam,
(Regn. No.34/92)
rep. by its President C.Mohan,
No.23, Balakrishnapuram, 3rd Street,
Adambakkam,
Chennai-600 088.

..Petitioner

-vs-

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Deputy Commissioner of Police,
St. Thomas Mount,
Chennai-600 016.
- 3.The Inspector of Police,
S-8, Adambakkam Police Station,
Adambakkam-600 088.
- 4.The Tahsildar,
Alanthur Taluk,
Nanganallur Co-op Societies Building,
Nanganallur, Chennai-600 114.

5.P.Natchimuthu

6.V.K.Padmanaban ..Respondents

(Respondent No.6 impleaded as per order
in M.P.No.1 of 2015, dt. 28.6.2016)

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the respondents 1 to 4 from providing any police protection to the 5th respondent to take possession and put up compound wall enclosing the land comprised in S.No.220/12 Adambakkam village, Alanthur Taluk, Kancheepuram District which was classified as burial ground in the classification revenue register.

For Petitioner :Mr.M.G.Ethirajulu

For Respondents: Mr.STS.Moorthy, G.P.
assisted by
Mr.V.Shanmugasundar
Govt. Advocate for R1 to R4
Mr.R.Subramani for
Mr.K.Selvaraj for R5
Mr.A.Sivaji for R6

* * * * *

ORDER

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

W.P.No.21180 of 2011, decided on 04.09.2012, the learned Single Judge has passed the following order:-

"4.In view of the limited prayer now made before this Court by the learned counsel for the petitioner to the effect that the petitioner would be satisfied if a direction is given to the respondents 1 and 2 to give adequate police protection to the life of the petitioner and his family members and in view of the reasons assigned by the petitioner in the affidavit, this Court is constrained to direct the second respondent herein to give adequate police protection to the life of the petitioner and his family members on the basis of the complaint preferred by the petitioner dated 07.09.2011, if the second respondent is satisfied that the apprehension expressed by the petitioner is genuine. The petitioner shall also furnish fresh copy of the representation dated 07.09.2011 along with this order to the second respondent. It is made clear that this Court is not giving any direction in respect of the property rights."

2. Now, the petitioner has filed the present writ petition as public interest litigation making the following prayer:-

"For the reasons set out in the accompanying affidavit it is prayed that this Hon'ble Court may be pleased to issue writ of mandamus or order or direction in the nature of Mandamus forbearing the respondents 1 to 4 from providing any police protection to the 5th respondent to take possession and put up compound wall enclosing the land comprised in S.No.220/12 Adambakkam village, Alanthur Taluk,

Kancheepuram District which was classified as burial ground in the classification revenue register and pass such further or other order as this Hon'ble Court may deem fit and necessary under the circumstances of the case and thus render justice."

3. This public interest litigation is complete misuse of the judicial process for the following reasons:-

(1) No such public interest at all is involved in the present case as is sought to be canvassed by the organisation, which is really to prevent police assistance.

(2) It is an endeavour in a sense to negate the effect and the consequences of the orders passed by the learned Single Judge in W.P.No.21180 of 2011, decided on 04.09.2012.

4. The writ petition is dismissed. No Costs. Consequently, M.P.No.1 of 2013 is Closed.
bbr

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Deputy Commissioner of Police,
St. Thomas Mount,
Chennai-600 016.

3.The Inspector of Police,
S-8, Adambakkam Police Station,
Adambakkam-600 088.

4.The Tahsildar,
Alanthur Taluk,
Nanganallur Co-op Societies Building,
Nanganallur, Chennai-600 114.

+ 1 cc to Mr.K.Selvaraj, Advocate Sr 35979

+ 1 cc to Mr.A.sivaji, Advocate Sr 36257

+ 1 cc to Mr.G.Ethirajulu, Advocate Sr 36055

+ 1 cc to The Govt.Pleader, Sr 36159

KR/6/7/16

W.P.No.17329 of 2013



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