



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P (MD) No.1521 of 2015

D.Nagarajan
S/o.Dhandayuthapani Chettiyar
23/28 Ayyampulli Road,
Palani, Dindigul District

..Petitioner

Vs.

1.The Commissioner,
Palani Municipality,
Palani, Dindigul District.

2.Ramanathan
S/o.Gurusamy
24/27 Ayyampulli Road,
Jawahar Veethi, Adivaram
Palani,
Dindigul District

..Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to take action against the 2nd respondent under section 216 of the Tamilnadu Municipalities Act 1920 by considering the petitioner's representations dated 10.11.2014 and 22.1.2015.

For Petitioner	: M/s.T.Leninkumar
For Respondents	: Mr.S.Anand Chandrasekar for M/s.Sarvabhauman Associates for R2 No appearance for R1

ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner has come up with this litigation under the guise of public interest litigation alleging that the 2nd respondent has made constructions on his property in violation of the building plan approval. The prayer is for a mandamus to direct the 1st respondent to take action against the 2nd respondent under Section 216 of the Tamil Nadu Municipalities Act, 1920.

<https://hcservices.ecourts.gov.in/hcservices/> 2. We have heard the learned counsel for the petitioner and the learned counsel for the 2nd respondent. We have also perused the records carefully.



3. The 2nd respondent brought to our notice that the petitioner has none else than the younger brother of the father of the 2nd respondent. In other words, he is the uncle of the 2nd respondent.

WEB COPY

4. The learned counsel for the petitioner would further submit that the petitioner has filed O.S.No.411/2014 on the file of the learned Subordinate Judge, Palani, for partition. In that suit, the property, where building is now constructed, is also a suit property. In that suit, the petitioner has prayed for partition and for separate possession of his share in the said property. He has also prayed for injunction against the 2nd respondent not to make any construction on the property in question. Since he could not succeed in getting an order of injunction from the learned Subordinate Judge, he has come up with this public interest litigation before this Court, as though it is in public interest.

5. From the above facts, as narrated above, it is crystal clear that the petitioner has come to this Court with this petition abusing the concept of public interest litigation only to settle his personal score against the 2nd respondent. The petitioner has not come forward with any bonafide intention, but with malafides. Therefore, he is not entitled for any relief in this petition. While dismissing the petition, in our considered view, for having abused the process of this Court and for having wasted the valuable time of this Court, we deem it appropriate to impose a cost of Rs.25,000/- on the petitioner. Accordingly, this petition dismissed with a direction to the petitioner to pay a sum of Rs.25,000/- as costs.

6. The learned counsel for the 2nd respondent submitted that the said cost may be utilised for some public purposes.

7. In view of the same, the petitioner is directed to submit a demand draft for Rs.25,000/- (Rupees twenty five thousand only) drawn in favour of the Registrar (Administration) of this Bench and the Registrar (Administration), in turn, shall utilise the said amount for purchasing necessary medical equipments and medicines for the dispensary attached to this Bench, which serves poor litigants and others, who come to this Court. The payment shall be made on or before 20.10.2016. It is further directed that in the event, if the order is not complied with, we may have to issue a contempt notice.

8. In the result, this petition is dismissed. Consequently connected Miscellaneous Petition is closed.



9. The Registry is directed to list the matter 'for reporting compliance' on 21.10.2016.

sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar(CS)

TO
The Commissioner,
Palani Municipality,
Palani, Dindigul District.

Copy to: 1) The Registrar (Administration)
Madurai Bench of Madras High Court, Madurai.

2) The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai.
(to list the matter on 21.10.2016)

+1cc to Mr.T.Leninkumar, Advocate in SR.59414
+1cc to Mr.P.Srinivas, Advocate in SR.59350
+1cc to M/s.Sarvabhuman Associates, in SR.59446

W.P(MD)No.1521 of 2015
05.10.2016

rr.
PBK/CK/SAR-III 21.10.2016 ::3P-7C: