



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.12.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE S.NAGAMUTHU

W.P. (MD) Nos.21139 of 2015
and 348 of 2015

W.P. (MD) No.21139 of 2015

P.Kalavathy

.. Petitioner

Vs.

1.The Commissioner,
Most Backward & Minority
Welfare Department,
Chepauk, Chennai.

2.The District Collector,
Trichy District.

3.The Director,
The District Most Backward
& Minority Welfare Department,
Trichy.

4.The Special Tahsildar,
Most Backward & Minority
Welfare Department,
Trichy.

5.S.Pitchai

.. Respondents

W.P. (MD) No.348 of 2015:

M.Veerasamy

.. Petitioner

Vs.

1.The Commissioner,
Most Backward & Minority Welfare Department,
Chepauk, Chennai.



(2)

2.The District Collector,
Trichy District.

3.The Director,
The District Most Backward &
Minority Welfare Department,
Trichy.

4.The Special Tahsildar,
Most Backward & Minority
Welfare Department,
Trichy.

5.The Tahsildar,
Taluk Office, Manapparai.

6.The Assistant Executive Engineer,
TANGEDCO,
Vaiyampatti South,
Manapparai Taluk, Trichy District.

7.The President,
Vaiyampatti Panchayat,
Trichy District.

8.The Village Administrative Officer,
Vaiyampatti Post,
Manapparai Taluk,
Trichy District.

9.S.Pitchai

.. Respondents

PRAYER: W.P.(MD) No.21139 of 2015 under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 1 to 4 to take appropriate action against the fifth respondent who constructed unauthorised building in Plot No.78 in S.No.19/2A situated at Vaiyampatti village, Manapparai Taluk, Trichy District against the report filed by the District Backward and Minority Welfare Officer, Trichy dated 03.02.2012 by considering the petitioner's representation dated 08.10.2015.

PRAYER: W.P.(MD) No.348 of 2015 under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 1 to 8 to take appropriate action against the 9th respondent who is constructing unauthorised building in Plot No.78 in S.No.19/2A situated in Vaiyampatti village, Manapparai Taluk, Trichy District against the report filed by the District Backward and Minority Welfare Officer, Trichy based on a direction issued by this Hon'ble Court in W.P.No.5499 of 2010 and W.P.No.9225 of 2010 dated 26.7.2011 by considering the petitioner's representation dated 24.11.2014.



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(3)

For Petitioner

: Mr.N.Mohan
in both petitions

For Respondents

Mr.M.Govindan
Spl. G.P. for R1 to R4 in
W.P.(MD) No.21139/2015 &
R1 to R5 & R8 in
W.P.(MD) No.348/2015

Mr.R.Udayakumar for R5
in W.P.(MD) No.21139/2015

Mr.S.M.S.Johny Basha for R6
in W.P.(MD) No.348/2015

Mr.R.Muthukkannan for R7
in W.P.(MD) No.348/2015

For R9

No Appearance

COMMON ORDER

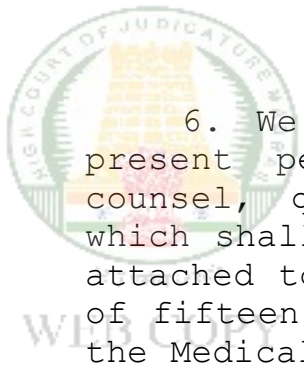
(Order of the Court was made by the *Hon'ble Chief Justice*)

The petitioner and other persons were issued pattas. But on a complaint being made, the patta of the private respondent No.5 [W.P.(MD) No.21139 of 2015] was cancelled on 03.02.2012. That order has been assailed in W.P.(MD) No.18721 of 2013 and *status quo* order has been passed.

2. One M.Veerasingam filed W.P.(MD) No.348 of 2015 on the same issue by the same counsel against the same private respondent, in which notice was issued. Now the second writ petition has been filed styled as public interest litigation, making the same grievance against the private respondent. There is no disclosure of the earlier writ petition filed. It cannot be said that there was lack of awareness of the earlier writ petition, as the counsel is the same.

3. We find that these proceedings are complete abuse of the process of Court.

4. In view of the interim order, even W.P.(MD) No.348 of 2015, pending before this Court, cannot be maintained and that writ petition is also called to the Board.



(4)

6. We also consider it appropriate to impose costs in the present petition for the conduct of the petitioner and the counsel, quantified at Rs.3,000/- (Rupees Three Thousand only) which shall be paid to the Medical Officer, Government Dispensary, attached to the Madurai Bench of Madras High Court within a period of fifteen days from today. The said amount shall be utilised by the Medical Officer for the upkeep of the Dispensary, tidy.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To:

- 1.The Commissioner,
Most Backward & Minority Welfare Department, Chepauk, Chennai.
- 2.The District Collector, Trichy District.
- 3.The Director,
The District Most Backward & Minority Welfare Department,
Trichy.
- 4.The Special Tahsildar,
Most Backward & Minority Welfare Department, Trichy.
- 5.The Tahsildar, Taluk Office, Manapparai.
- 6.The Assistant Executive Engineer,
TANGEDCO,Vaiyampatti South, Manapparai Taluk, Trichy District.
- 7.The President, Vaiyampatti Panchayat, Trichy District.
- 8.The Village Administrative Officer,
Vaiyampatti Post, Manapparai Taluk, Trichy District.

Copy To: 1. The Registrar (Admn)
Madurai Bench of Madras High Court, Madurai.
2. The Medical Officer, Government Dispensary,
Madurai Bench of Madras High Court, Madurai.

+1 cc to M/s.R.Udhayakumar, Advocate in SR.No. 78478

+1cc to Mr.N.Mohan, Advocate SR.No.79562

+1cc to special Government Pleader SR.No.79506

bbr

CSL/MPA/SAR-I/19.12.2016: 4P/14C

W.P. (MD) Nos.21139 & 348 of 2015

02.12.2016