



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2016

CORAM:

**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

W.P.[MD].No.18672 of 2016
and
W.M.P.No.13502 of 2016

Mahendran

: Petitioner

Vs.

- 1 THE DISTRICT COLLECTOR
THENI DISTRICT THENI.
- 2 THE DISTRICT REVENUE OFFICER
THENI DISTRICT, THENI.
- 3 THE JOINT DIRECTOR
KALLAR RECLAMATION DEPARTMENT,
MADURAI - 20
- 4 THE TASHILDAR
THENI TALUK, THENI.
- 5 K.P.KARUPPAIAH,
S/O.BALUSAMY
14/1/73/3 GOWMARI NAGAR,
VEERAPANDI, THENI DISTRICT.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 and 4 to take appropriate action, in the light of the proceedings of the third respondent in Na.Ka.No.H4/46924/2015, dated 17.05.2016, by considering the petitioners representation dated 27.06.2016 within a period that may be stipulated by this Hon'ble Court.

For Petitioner	: Mr.M.Maharaja
For Respondent Nos.1 to4	: Mr.S.Chandrasekar Government Advocate
For Respondent No.5	: Mr.B.Rajeshsaravanan



O R D E R

[Order of the Court was made by S.NAGAMUTHU, J.]

The petitioner has come up with this Writ Petition seeking a Writ of Mandamus directing the respondents 2 and 4 to take appropriate action, in the light of the proceedings of the third respondent, in Na.Ka.No.H4/46924/2015, dated 17.05.2016 by considering his representation dated 27.06.2016.

2. According to the petitioner, the land comprised in Survey No.971/2, Veerapandi Village, Theni District, is a poramboke land, upon which the fifth respondent has made encroachment. In Paragraph No.5 of the affidavit filed in support of the Writ Petition, the petitioner has stated that there is a Civil Suit in O.S.No.125 of 2015, on the file of the learned District Munsif, Theni, pending between him and the fifth respondent, wherein the fifth respondent had prayed for permanent injunction.

3. The learned counsel for the fifth respondent submitted that in the said suit, there is an order of interim injunction granted by the learned District Munsif, Theni, against the petitioner, restraining him not to disturb his possession.

4. From the above facts, it is crystal clear that the petitioner has approached this Court, abusing the process of this Court, suppressing the interim order of injunction granted by the learned District Munsif, Theni. When the issue between the petitioner and the fifth respondent is being examined by the Civil Court, it is not known as to how he has chosen this Court also as a platform to file another Writ Petition. As we have already pointed out, for having abused the process of this Court, the Writ Petition is liable to be dismissed with cost of Rs.1,000/-.

5. In the result, the Writ Petition is dismissed with cost of Rs.1,000/-, payable by the petitioner to the Hon'ble Chief Justice Relief Fund, within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar



To

- 1 THE DISTRICT COLLECTOR,
THENI DISTRICT, THENI.
- 2 THE DISTRICT REVENUE OFFICER,
THENI DISTRICT, THENI.
- 3 THE JOINT DIRECTOR,
KALLAR RECLAMATION DEPARTMENT,
MADURAI - 20
- 4 THE TASHILDAR,
THENI TALUK THENI.

COPY TO:-

THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

- + 1 CC TO Mr.M.MAHARAJA, ADVOCATE IN SR No. 62020
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 62295
- + 1 CC TO Mr.B.RAJESH SARAVANAN, ADVOCATE IN SR No. 61763

NB

TE/CK : 08/11/2016 : 3P/9C

ORDER MADE IN
W.P.[MD].No.18672 of 2016
and
W.M.P.No.13502 of 2016
19.10.2016