



WEB COPY

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.20056 of 2016

A.Mithun Chakravarthy

:Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Assistant Director of Town Panchayats,
Theni Region,
Theni District,
Theni.

3.The Executive Officer,
P.C.Patti Town Panchayat,
Theni District,
Theni.

:Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents herein to implement the orders passed by the third respondent in his proceedings in Na.Ka.No.305/2014, dated 26.08.2016, within the time stipulated by this Court.

For Petitioner : Mr.C.Gangaiamaran

For Respondents 1&2 : Mr.S.Chandrasekar,
Government Advocate

For Respondent No.3 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader

O R D E R

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

The petitioner, an Advocate by profession, has come up with this litigation under the guise of a Public Interest Litigation, seeking a direction to the respondents to implement the order passed by the third respondent, by his proceedings in Na.Ka.No.305/2014, dated 26.08.2016.



Government Advocate, taking notice for the first and second respondents and the learned Additional Government Pleader, taking notice for the third respondent. We have also perused the records carefully.

3. It is brought to our notice that earlier the very same petitioner filed yet another Writ Petition in W.P.(MD)No.2253 of 2015, alleging that the Chairman of the Panchayat had constructed a building in violation of the building plan. After having heard the petitioner, this Court dismissed the said Writ Petition, however, imposing a cost of Rs.5,000/- (Rupees Five Thousand only) on the petitioner. It is brought to our notice that the present Writ Petition has been filed seeking a relief, alleging that the Vice Chairman of the Panchayat has made some violation while constructing a building. It is also brought to our notice that the petitioner's father contested for the post of Chairman of the local body, in which, he lost. It is only to settle his personal score, the petitioner has been approaching this Court repeatedly with Writ Petition after the Writ Petition. It is also seen from the records that earlier the petitioner filed yet another Writ Petition in W.P.(MD)No.19928 of 2014, which is also pending. He has also filed a Contempt Petition in Contempt Petition (MD)No.590 of 2015.

4. As we already pointed out, yet another Writ Petition filed by the petitioner had been dismissed with cost. The present Writ Petition is the third round of litigation. From the facts narrated before us, we find that there is no public interest involved at all in this matter. The petitioner has come up with this Writ Petition with ulterior motive only to settle his personal score against the Chairman and the Vice Chairman of the local body. Therefore, the petitioner, who has abused the process of this Court, is not entitled for any relief. At the same time, for having wasted the time of this Court again, we are inclined to impose heavy cost upon him. Though we imposed Rs.5,000/- as cost in the earlier Writ Petition, the petitioner has not shown any change in his attitude. Therefore, we are bound to impose heavy cost. Accordingly, we deem it appropriate to impose a cost of Rs.25,000/- (Rupees Twenty Five Thousand only) on the petitioner. Accordingly, the petitioner is directed to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as cost. The cost amount shall be paid by way of demand draft drawn in the name of the Headmaster, Madurai East Panchayat Union Elementary School, Y.Othakkadai. The Headmaster of the said School shall encash the same and spend the amount for the purpose of purchasing computer for the usage of the children studying in the said School and then, report the same to this Court. The cost amount shall be paid, on or before 02.11.2016.



5. The Registry is directed to list the matter on 03.11.2016 'for reporting compliance.'"

Sd/-

Assistant Registrar(CS-II)

/True Copy/

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Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1.The District Collector, Theni District, Theni.

2.The Assistant Director of Town Panchayats,
Theni Region, Theni District, Theni.

3.The Executive Officer, P.C.Patti Town Panchayat,
Theni District, Theni.

4.The Headmaster, Madurai East Panchayat Union
Elementary School, Y.Othakkadai, Madurai East Taluk,
Madurai.

+1CC to M/S.T.S.Mohamed Mohideen, Advocate, SR.No. 61336

+1CC to M/S.C.Gangai Amaran, Advocate, SR.No. 61772

+1CC to the Special Government Pleader, SR.No. 62332

W.P.[MD].No.20056 of 2016

Dated: 19.10.2016

SML

AM/CK/SAR-III/21.10.2016/3P/8C