



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.23689 of 2016

K.Navaneethakrishnan @ Ambaresan : Petitioner

Vs.

1.The Chief Secretary to the
Government of Tamil Nadu,
St. George Fort,
Chennai.

2.The Additional Chief Secretary
to the Government of Tamil Nadu,
Commissioner of Land Administration,
Chepauk,
Chennai-5.

3.The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai.

4.The Secretary to the Government,
Land and Revenue,
St. George Fort,
Chennai.

5.The District Collector,
Virudhunagar,
Virudhunagar District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the respondents 1 to 5 to consider the petitioner's petition dated 09.11.2016 to take appropriate action against the District Revenue Officer, Virudhunagar for lowering the dignity of the Hon'ble Courts in passing the order in Na.Ka.B2/45907/2008, dated 26.06.2013.

For Petitioner

: Mr.S.Samuel Jamesdevasagayam

For Respondents

: Mr.T.S.Mohammed Mohideen,
Additional Government Pleader



O R D E R

This Writ Petition is filed seeking for a Mandamus, directing the respondents 1 to 5 to consider the petitioner's representation dated 09.11.2016 to take appropriate action against the District Revenue Officer, Virudhunagar, in passing the order in Na.Ka.B2/45907/2008, dated 26.06.2013.

2. Heard the learned counsel for the petitioner and perused the materials placed before this Court.

3. There is no dispute to the fact that the very same writ petitioner had approached this Court on earlier occasions challenging the very same proceedings of the District Revenue Officer, Virudhunagar, in W.P.(MD)No.14524 of 2013 and again in W.P.(MD)No.7854 of 2016. In both those Writ Petitions, out of which, one culminated into a Writ Appeal in W.A.(MD)No.981 of 2016 as well, this Court has repeatedly rejected the claim of the petitioner by dismissing the Writ Petitions as well as the Writ Appeal on the reason that it is for the Civil Court to ultimately consider the title of the parties in a suit, which is admittedly pending even as on today. When that being the finding rendered by this Court, the petitioner herein has filed the present Writ Petition, however, by camouflaging the prayer, as though it is the one for disposal of the representation, while the fact remains that such representation is nothing but to set aside the very same order, which was already challenged before this Court. Needless to say that this repeated attempt of the petitioner in approaching this Court for the very same issue and cause of action is nothing but an abuse of process of Court. Invoking the jurisdiction of this Court under Article 226 of the Constitution of India, more particularly a discretionary jurisdiction, cannot be abused like this, in spite of the fact that this Court has already found against the petitioner and directed him to agitate the matter before the competent Civil Court, where the civil suit is admittedly pending. Without resorting to such course of action, filing the present Writ Petition once again cannot be entertained. It is also seen that the very same counsel has filed one of the earlier Writ Petitions and the Writ Appeal as well. Accordingly, I find that this Writ Petition deserves to be dismissed and accordingly, it is dismissed, however, with cost of Rs.10,000/- (Rupees Ten Thousand only) to be payable to the Legal Aid Services Committee, attached to the Madurai Bench of Madras High Court, within a period of four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(co)

/True copy/



To

1.The Chief Secretary to the
Government of Tamil Nadu,
St. George Fort,
Chennai.

2.The Additional Chief Secretary
to the Government of Tamil Nadu,
Commissioner of Land Administration,
Chepauk,
Chennai-5.

3.The Special Commissioner and
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Chepauk, Chennai.

4.The Secretary to the Government,
Land and Revenue,
St. George Fort,
Chennai.

5.The District Collector,
Virudhunagar,
Virudhunagar District.

+2cc to Mr.S.Samuel James Devasagayam, Advocate SR.No.79918
+1cc to special Government Pleader Sr.No.79987

Copy to: The Officer Incharge,
The Legal Aid Services Committee,
Madurai Bench of Madras High Court, Madurai

sml

sm:sks-rr:23/12/2016:3P/10C

Order made in
W.P. (MD) No.23689 of 2016
Dated: 07.12.2016