

In the High Court of Judicature at Madras

Dated: 23.01.2017

Coram

The Honourable Mr.JUSTICE B.RAJENDRAN

W.P.No.548 of 2017

and

WMP Nos.575 to 577 of 2017

1 C.Raghu

[PETITIONER]

Vs

1.The General Manager,
Southern Railway,
Park Town,
Chennai 600 003.

2.The Senior Divisional Commercial Manager,
Commercial Branch, Southern Railway,
Park Town, Chennai 600 003.

3.The Railway Board,
Rep. By its Secretary,
Railbhavan,
New Delhi.

[RESPONDENTS]

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records pertaining to the order passed in No.M/C.14/Telephone PCO/STD/MAS dated 15.11.2016 by the second respondent quashing the same and further direct the respondents to allot the telephone booth at platform No.3 in Madras Central Railway Station to the petitioner.

For Petitioner : M/s.N.Dhatchayani
For Respondents : Mr.P.T.Ramkumar

ORDER

The writ petition has been filed challenging the order dated 15.11.2016 for non payment of the Commission charges by the petitioner.

2. According to the petitioner, he is physically handicapped person and under this quota, he was allotted Telephone Booth by granting lease for a period of 5 years. Since there was huge arrears from 11.12.2015, the respondents through impugned order dated 15.11.2016, asking the petitioner to furnish the details commission charges received from BSNL from 11.12.15 to 31.10.16 enabling them to claim amount. Aggrieved against that order, this writ petition is filed.

3. This court even on the date of admission, directed the petitioner to file an affidavit as to whether STD Booth conducted by him or by his family members. Conveniently, they had not filed affidavit today.

4. The Railway Department has offered to run STD Booth merely for physically handicapped persons. The respondents have come to know that the said booth is maintained by one Fathima Bee and Ashraf Babaparith, who were neither relations nor anything to do with the petitioner. The petitioner used to put only thumb impression even in the court affidavit, he has put only his thumb impression whereas after filing of the writ petition, for identification certificate, they given application wherein in the place of C.Raghu/the petitioner herein, conveniently it is signed by somebody in english for issuance of two Identity cards. There are clearly two different signatures which shows that the petitioner before this court has not given application for identification certificate.

5. Heard both sides.

6. It is a clear case that when this court can take judicial notice of some irregularities conducted by the people under the guise of land license for handicapped person whereas they never use such scheme. Even an application which is being given to the Government as if he seeking for identification card especially after the filing of the writ petition, when he normally used to put thumb impression, in the present application for identity cards, he has signed and that too, there is completely two different signatures with two different applications. Can such a person be allowed to go scot free, especially when he comes to this court with unclean hands. This court feels that the writ petition should be dismissed with heavy costs. Hence, the writ petition is dismissed with a direction that the petitioner pays cost of Rs.5,000/- (Rupees five thousand only) to the Tamilnadu Mediation and Conciliation Center within one week from the date of receipt of copy of this order failing which necessary and appropriate action will be taken by the respondents. Further, the case shall be posted for compliance of payment to the Mediation Center. It is made clear that the respondent Department is at liberty to take appropriate

action in accordance with law immediately if the license period has expired. No costs. The connected miscellaneous petitions are also dismissed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1.The General Manager,
Southern Railway,
Park Town,
Chennai 600 003.

2.The Senior Divisional Commercial Manager,
Commercial Branch, Southern Railway,
Park Town, Chennai 600 003.

3.The Railway Board,
Rep. By its Secretary,
Railbhavan,
New Delhi.

4.The Section Officer,
T.N. Mediation & Conciliation Centre,
High Court, Madras.

+1cc to M/S.T. Saravanan, SR. 4168

+1cc to P.T. Ramkumar, SR. 4586

AD(CO)
VR(27/02/2017)

W.P.No.548 of 2017

सत्यमेव जयते

WEB COPY