



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2017

CORAM:

THE HONOURABLE **MR. JUSTICE T.S.SIVAGNANAM**

AND

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

W.A.(MD) No.712 of 2017 &
C.M.P.(MD) .No.5474 of 2017

K.Patchaiperalum

... Appellant/Petitioner

Vs.

1. The District Collector,
Tuticorin District,
Tuticorin.

2. The Revenue Divisional Officer
cum-Sub Divisional Magistrate,
Kovilpatti Sub-Division,
Kovilpatti,
Tuticorin District.

3. The Tahsildar,
Ottapidaram Taluk,
Tuticorin District.

4. The Inspector of Police,
Ottapidaram Police Station,
Tuticorin District.

... Respondents/ Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act against the order, dated 05.01.2017, made in W.P.(MD).No.24719 of 2016.

Prayer in WP(MD). 24719/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus directing the 1st respondent to give suitable direction to the 3rd and 4th respondents to remove the seal to the petitioners bore well room situated at Revenue Survey No.68-3A of Ottapidaram Village, Tuticorin District based on his representation dated 19.12.2016 and consequently direct the respondents not to disturb the petitioner without due process of law.

For Appellant : Mr.S.Muthalraj
Addl. Govt. Pleader

<https://hcservices.ecourts.gov.in/hcservices/> For Respondents : Mr.V.R.Shanmuganathan
Spl. Govt. Pleader

**JUDGMENT**

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J**]

By consent, the writ petition itself is taken up for final disposal.

2. Heard Mr.S.Muthalraj, learned counsel appearing for the appellant and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents.

3. This appeal is directed against the order, dated 05.01.2017 in W.P.(MD).No.24719 of 2016. The said writ petition was filed by the petitioner for issuance of writ of mandamus to give appropriate direction to the respondents 3 and 4 to remove the Seal Affixed on the petitioner's bore well room situated at Revenue Survey No.68-3A of Ottapidaram Village, Tuticorin District. The Court taking into consideration the facts and circumstances of the case and noted that the appellant has suppressed the filing of Crl.R.C.(MD)No.135 of 2013 and therefore, dismissed the writ petition observing that it is a case of abuse of process of Court. The Writ Court directed the appellant to pay costs of Rs.15,000/- (Rupees Fifteen Thousand Only) to the Legal Aid Services Authority of this Court. After hearing the learned counsel for the appellant we find no good grounds to interfere with the order passed by the writ Court. However, with regard to the costs, which has been imposed, the learned counsel for the appellant would submit that the appellant is a lorry driver and economically very poor. Thus, taking note of the said submission, we reduce the costs to Rs.2,500/- and the same shall be paid to the Mediation and Conciliation Centre attached to this Bench, within a period of four weeks from the date of receipt of a copy of this order.

4. With the above observation, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (Protocol)

/True copy/

Sub Assistant Registrar

To:

1. The District Collector,
Tuticorin District,



2. The Revenue Divisional Officer
cum-Sub Divisional Magistrate,
Kovilpatti Sub-Division,
Kovilpatti,
Tuticorin District.

3. The Tahsildar,
Ottapidaram Taluk,
Tuticorin District.

4. The Inspector of Police,
Ottapidaram Police Station,
Tuticorin District.

+1 CC to M/s.S.MUTHALRAJ, Advocate, SR No. 60643.

DAS/AM

PSM/KKR/SAR1/30.06.2017/3P/6C

W.A. (MD) No.712 of 2017
16.06.2017