



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.[MD].No.10787 of 2017

K.K.Ramesh

: Petitioner

Vs.

- 1.The Government of India,
Rep by its Home Secretary,
Ministry of Home Affairs,
New Delhi.
- 2.The Hon'ble Secretary,
Ministry of Railways,
Government of India,
Railway Bhavan, New Delhi.
- 3.The Director General of Police,
Railway Police Force,
Headquarters, New Delhi.
- 4.The Government of Tamil Nadu,
Rep by its Home Secretary,
Secretariat, Chennai 9.
- 5.The Director General of Police,
Dr.Radhakrishnan Street,
Tamil Nadu, Chennai.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other appropriate Writ or Order or direction or suggestion or observation or particularly in the nature of Writ, directing the respondents to

A] to give strict instructions to the Railways staff and Railway Police, Railway Protection Force and Officers not to allow any unauthorized persons to sell snacks and other eatable items inside the trains and platforms and formulate strict guidelines and direct all the Railway Officials to follow the same with care and all authorized workers would have identity card in train and plat forms.



B] To accompany more women constables in each coach of the trains to give protection to the railway passengers and their properties.

C] To give proper protection to the Railway Passengers, their properties in all Railway Stations by keeping tight security and by installing CCTV cameras in all Railway Stations.

D]. The Railway Police should monitor the movements of suspects in every Railway Station.

E]. By considering the petitioner's representation dated 15.03.2017.

For Petitioner : Mr.K.K.Ramesh
Party-in-person

For Respondents : Mr.M.Govindan
4 and 5 Special Government Pleader

O R D E R

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

We have heard Mr.K.K.Ramesh appearing in person and Mr.M.Govindan, learned Special Government Pleader appearing for the respondents.

2. The petitioner has filed this Writ Petition, styled as "Public Interest Litigation", praying for issuance of a Writ of Mandamus, directing the respondents to give strict instructions to the Railway staff, Railway Police, Railway Protection Force and the Officers not to allow any unauthorized persons to sell snacks and other eatable items inside the trains and platforms and formulate strict guidelines and direct all the Railway Officials to follow the same with care and caution and all authorized workers would have identity card in train and platforms ; to accompany more women constables in each coach of the trains to give protection to the railway passengers and their properties; to give proper protection to the Railway Passengers, their properties in all Railway Stations by keeping tight security and by installing CCTV cameras in all Railway Stations; to give direction to the Railway Police to monitor the movements of suspects in every Railway Station. In this regard, the petitioner is said to have submitted a representation on 15.03.2017 and seeks for appropriate direction.

3. Mr.M.Govindan, learned Special Government Pleader appearing for the respondents, pointed out that for an identical relief, the petitioner had approached this Court and filed W.P.(MD).No.8525 of 2014 and the Division Bench has disposed of the said Writ Petition on 26.09.2016. It is further pointed out that for the very same relief, a second Writ Petition is not maintainable.



4. The petitioner appearing in person would contend that the earlier Writ Petition was disposed of, based on the false counter affidavit filed by the respondents and that apart, the petitioner has been prevented from using the name of the Tamil Nadu Centre for Public Interest Litigation, which has precluded the petitioner from further pursuing the order dated 26.09.2016 made in W.P.(MD). No.8525 of 2014.

5. The submissions made by the petitioner appearing in person cannot be countenanced for more than one reason. The present prayer, as sought for by the petitioner, referred to above, is barred by the principle of *res judicata* and if the petitioner has grievance that the order passed in the said Writ Petition has not been complied with or if he is aggrieved by any portion of the said order, the remedy of the petitioner lies elsewhere. Furthermore, we find that the averments set out in the affidavit filed in support of the Writ Petition are identical to that of the earlier Writ Petition in W.P.(MD).No.8525 of 2014. Thus, the present Writ Petition is clearly barred by the principle of *res judicata* and therefore, we are not inclined to grant the relief sought for by the petitioner. Further, such type of a re-litigation has been deprecated by the Hon'ble Supreme Court in the case of K.K.Modi Vs. K.N.Modi, reported in 1998 (3) SCC 573, wherein, in Paragraph No.44, it has been held as follows:-

44. One of the examples cited as an abuse of the process of the court is re litigation. It is an abuse of the process of the court and contrary to justice and public policy for a party to re litigate the same issue which has already been tried and decided earlier against him. The re agitation may or may not be barred as *res judicata*. But if the same issue is sought to be re-agitated, it also amounts to an abuse of the process of the court. A proceeding being filed for a collateral purpose, or a spurious claim being made in litigation may also in a given set of facts amount to an abuse of the process of the court. Frivolous or vexatious proceedings may also amount to an abuse of the process of the court especially where the proceedings are absolutely groundless. The court then has the power to stop such proceedings summarily and prevent the time of the public and the court from being wasted. Undoubtedly, it is a matter of the court's discretion whether such proceedings should be stopped or not; and this discretion has to be exercised with circumspection. It is a jurisdiction which should be sparingly exercised, and exercised only in special cases. The court should also be satisfied that there is no chance of the suit succeeding."



6. Thus, for the above reasons, the Writ Petition is dismissed. No costs.

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Sd/-
Assistant Registrar(P&A)

Sub-Assistant Registrar

To

1.The Home Secretary to Government of India,
Ministry of Home Affairs, New Delhi.

2.The Hon'ble Secretary,
Ministry of Railways,
Government of India,
Railway Bhavan, New Delhi.

3.The Director General of Police,
Railway Police Force,
Headquarters, New Delhi.

4.The Home Secretary to Government of Tamil Nadu,
Secretariat, Chennai 9.

5.The Director General of Police,
Dr.Radhakrishnan Street,
Tamil Nadu, Chennai.

+One cc to The Special Government Pleader, SR.No.59651

+One cc to Mr.K.K.Ramesh, Party-in-Person, SR.No.59280

+One cc to Mr.R.Nandakumar, Advocate, SR.No.59500

NB
RL/9C/4P/KP/SAR1/21/6/2017

ORDER MADE IN
W.P.[MD].No.10787 of 2017
09.06.2017