



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 07.02.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P(MD)No.1998 of 2017

Mubarak Ali

..Petitioner

Vs

1.The District Collector,
Collector,
Dindigul.

2.The Commissioner,
Dindigul Corporation,
Dindigul.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus or any other orders or direction in the nature of writ, for direction, directing the 1st respondent to consider the petitioner's representation dated 24.10.2016 within the time stipulated by this Hon'ble court.

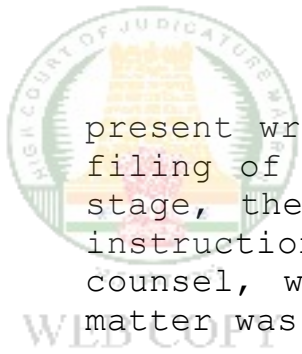
For Petitioner :Mr.A.S.Alaudeen

For Respondents :Mr.C.Selvaraj,
Special Govt.Pleader for R1
Mr.J.Lawrance for R2

ORDER

This writ petition is filed seeking for a mandamus directing the first respondent to consider the petitioner's representation dated 24.10.2016, wherein and whereby, the petitioner sought for auctioning 8 shops belonging to the second respondent Corporation, by cancelling the resolution No.392, dated 30.11.2015, passed by the second respondent Corporation.

2.When this matter was listed for admission on 06.02.2017, it is brought to the notice of this Court by the learned counsel appearing for the respondents that the very same petitioner filed a writ petition earlier in W.P.(MD).No.19884 of 2016 seeking for the same relief and that the said writ petition was dismissed by this Court on 15.12.2016. An allied relief sought by the petitioner's brother by name Hakim Sait was also dismissed by this Court in W.P(MD).No.12751 of 2016. It is also brought to the notice of this Court that the petitioner in the



present writ petition has not disclosed any of those facts of the filing of the earlier writ petitions and its dismissal. At that stage, the learned counsel for the petitioner sought time to get instructions from his client, as the present counsel is not the counsel, who filed the earlier writ petitions. Accordingly, the matter was adjourned and posted today for further hearing.

3. When the matter is taken up today, the learned counsel for the petitioner seeks permission to withdraw this writ petition. Normally, this Court will grant permission to withdraw the writ petition, if the petitioner seeks to withdraw the same. However, in this case, the request made by the learned counsel is declined, since the petitioner, who is guilty of suppression of material facts in the present writ petition, is not entitled to the indulgence of this Court by simply dismissing the writ petition as withdrawn. Not only such suppression requires serious view of the matter and also the repeated filing of writ petitions on the same cause of action, knowing fully well that his earlier attempts have failed before this Court has to be deprecated, since such conduct of the petitioner is to be termed as an abuse of process of this Court. Hence, the petitioner cannot be permitted to withdraw this writ petition without paying any costs.

4. Accordingly, this writ petition is dismissed with costs of Rs.25,000/- (Rupees twenty five thousand only), payable to the Legal Aid Services Authority of this court within a period of two weeks from the date of receipt of a copy of this order.

Sd/
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To

1. The District Collector, Collector, Dindigul.
2. The Commissioner, Dindigul Corporation, Dindigul.

Copy to:

The Officer Incharge,
Legal Aid Services Authority
Madurai Bench of Madras High Court,
Madurai.

- +1CC to M/S.S.A.S. Alaudeen, Advocate, SR.No. 6555
+1CC to M/S.J. Lawrance, Advocate, SR.No. 6846
+1CC to the Special Government Pleader, SR.No. 6892

W.P (MD) No.1998 of 2017
07.02.2017