



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.01.2017
CORAM
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
W.P(MD)No.93 of 2017
and
W.M.P(MD)Nos.66 to 68 of 2017

D.K.Samy

.. Petitioner

vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Sivagangai,
Sivagangai District.

2.The Assistant Commissioner
Hindu Religious and Charitable Endowment,
Sattur, Virudhunagar District.

3.The Executive Officer,
Arulmigu Venkatachalapathy Thirukovil,
Hindu Religious and Charitable Endowment,
Sattur, Virudhunagar District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned termination of lease notice caused by the third respondent dated 26.08.2016 and quash the same as illegal and consequently direct the respondents to regularize the superstructure constructed by the petitioner at Old Survey No.121/16 and New Survey No.17-19 bearing Door No.68/16 of Sattur Town of Virudhunagar District by fixing fair rent to the property.

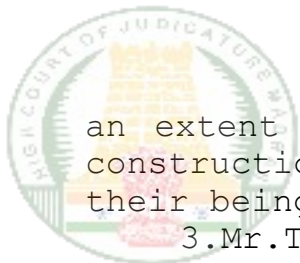
For Petitioner : Mr.R.Pandi Maharaja

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader
for R1 and R2
Mr. P.Mahendran for R3

O R D E R

This writ petition is filed challenging the order of the third respondent, dated 26.08.2016, terminating the lease granted in favour of the petitioner.

2.The reason stated in the impugned order is that the petitioner, who was permitted to occupy a vacant land measuring to



an extent of 441 sq.ft, has unauthorizedly put up a multi-storied construction and let out 10 shops to various third parties without their being any permission granted him to do so.

3.Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader takes notice for the respondents 1 and 2. Mr.P.Mahendran, learned counsel takes notice for the third respondent.

4.The learned counsel appearing for the third respondent invited this Court's attention to the fact that the very same petitioner challenged the very same impugned order earlier in W.P (MD)No.17241 of 2016 and got it dismissed as withdrawn with a liberty to file a revision before the appropriate forum. The said order is also made available at page No.20 of the typed set of papers.

5.After obtaining such liberty, it seems that the petitioner has filed a revision before the revisional authority, namely, the first respondent, who in turn returned the papers on the reason that the said revision is premature one. Now, the petitioner has not chosen to challenge the said order passed by the first respondent, dated 29.11.2016 and on the other hand, has once again challenged the very same order dated 26.08.2016, which was the subject matter in the earlier writ petition.

6.After hearing the learned counsel for the writ petitioner and not being satisfied with his contention, when this Court proceeded to pass the order in writ petition, the learned counsel for the petitioner sought permission to withdraw this writ petition. I decline to grant such permission for the reason that the petitioner has already made an attempt by way of filing the earlier writ petition and got it withdrawn with liberty to file a revision. However, the present writ petition is filed once again challenging the very same order, which was challenged in the earlier writ petition. Therefore, I find that the petitioner is not having any *bone fide* in his attempt in approaching this Court repeatedly on the same set of cause of action. It is well settled that filing of repeated writ petitions on the very same cause of action is an abuse of process of the Court. Therefore, the petitioner should not be shown any lenience, more particularly, when the reason set out in the impugned order is very serious.

7.Accordingly, the writ petition deserves no merits and the same is dismissed, however, with cost of Rs.15,000/- (Rupees fifteen 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. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(AE)

/True Copy/



To,

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Sivagangai,
Sivagangai District.

2.The Assistant Commissioner
Hindu Religious and Charitable Endowment,
Sattur, Virudhunagar District.

3.The Deputy Registrar(Lok Adalat)
Legal Aid Service Authority,
Madurai Bench of Madras High Court,
Madurai-23.

+1cc to Mr.R.Pandi Maharaja Advocate Sr.No. 1269
+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO. 836
+1cc to Mr.P.Mahendran , Sr.No.582

skn

AE/RR-BS/06.02.2017/3p/7c

W.P (MD) No.93 of 2017
and
W.M.P (MD) Nos.66 to 68 of 2017
04.01.2017