

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.6098 of 2018
and W.M.P.Nos.7518 & 7519 of 2018

K.S.Manigandan

.... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Villupuram.
3. The Deputy Commissioner,
Hindu Religious and Charitable
Endowment Department,
Thiruvannamalai District.
3. The Inspector/Thakkar,
Hindu Religious and Charitable
Endowment Department,
Cheyyar,
Thiruvannamalai District.

...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 relating to the impugned order dated 14.02.2018 made in Se.Mu.Na.Ka.No.46/2018 passed by the 4th respondent and to quash the same and consequently direct the respondents to reinstate the petitioner as poojari/archagar of Arulmigu Valeeswarar Temple, Kuranganimuttam Village, Vembambakkam Taluk, Thiruvannamalai District.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.M.Maharaja,
Special Government Pleader

O R D E R

This writ petition is filed challenging the order of the 4th respondent dated 14.02.2018 removing the petitioner from the post of Poojari of Arulmigu Valeeswarar Temple, Kuranganimuttam Village, Vembambakkam Taluk, Thiruvannamalai District.

2. When the matter was taken up for admission on 19.03.2018, Mr.M.Maharaja, learned Special Government Pleader took notice for the respondents and informed this Court that the very same petitioner filed another writ petition in W.P.No.4689 of 2018, challenging the very same impugned order before the writ admission Court which deals with service matters and that the said writ petition was dismissed on 05.03.2018. He sought time to produce the copy of the said order. Accordingly, the matter is listed today for further hearing.

3. A copy of the said order passed in W.P.No.4689/2018 dated 05.03.2018 is placed before this Court. Perusal of the said order clearly indicates that the very same petitioner filed that writ petition challenging the very same impugned order and that the said writ petition was dismissed. Therefore, it is evident that the present writ petition was filed on 14.03.2018 after the dismissal of the earlier writ petition however, in clear suppression of those facts. Only difference is change of counsel and change of Court. Therefore, it is evident that the petitioner has approached this Court again and filed the present writ petition in the above said fashion only for the purpose of getting some exparte order. This conduct exhibits the evil mind of the petitioner and his unclean hand.

4. Though the learned counsel for the petitioner sought to contend that the petitioner is not aware of the filing of the earlier writ petition and the order passed therein, this Court is not inclined to believe such contention as it is obvious that the petitioner is making such submission before this Court only to escape from an adverse order to be passed in this writ petition. Yet another vital factor to be noted at this juncture is that the present writ petition is filed without filing the original impugned order. The petitioner sought to dispense with the production of the original order by contending that the impugned order was misplaced by him while travelling and he is unable to find out the same despite of his hectic effort. But the fact is otherwise. When this Court called for the earlier writ petition filed by him, which was dismissed on 05.03.2018 in W.P.No.4689 of 2018, it is seen that the original impugned order is filed therein along with the said writ petition and the same is available in the court records. Therefore, it is again a falsehood stated by the petitioner which is evident and apparent on the face of it. The learned counsel also submitted that the petitioner is ready to tender unconditional apology and withdraw

this writ petition.

5. Needless to say that a person who has chosen to deceive the Court and abuse its process by filing successive writ petitions challenging the very same proceedings, more particularly, after having failed to succeed in the earlier writ petition, cannot be shown any indulgence or lenience by allowing him to withdraw the writ petition and go scot-free. I wonder as to how this petitioner, apparently with such dishonest intention, will be a fitting person to stand near The God and perform all rituals. I think at least by now he would have realised that nobody can escape with such ill qualities, as at one point of time they will certainly get caught. Therefore, the request made by the petitioner's counsel for withdrawing the writ petition is rejected.

6. Under the above stated circumstances, I am of the firm view that this Writ Petition needs to be dismissed with heavy cost, so that a message will be sent to people like the petitioner who wish or attempt to abuse the process of the Court, that they cannot escape or walk out freely from this Court without facing the consequences.

7. Considering the above said facts and circumstances, this writ petition is dismissed with exemplary costs of Rs.50,000/- (Rupees Fifty thousand only) payable by the petitioner to the Legal Aid Service Authority of this Court within a period of four weeks from the date of receipt of a copy of this order. If the said amount is not paid by the petitioner, the same shall be recovered from him by invoking the Revenue Recovery Act. Consequently, connected miscellaneous petitions are closed.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

vsi

To

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
Chennai - 600 034.

2. The Joint Commissioner,
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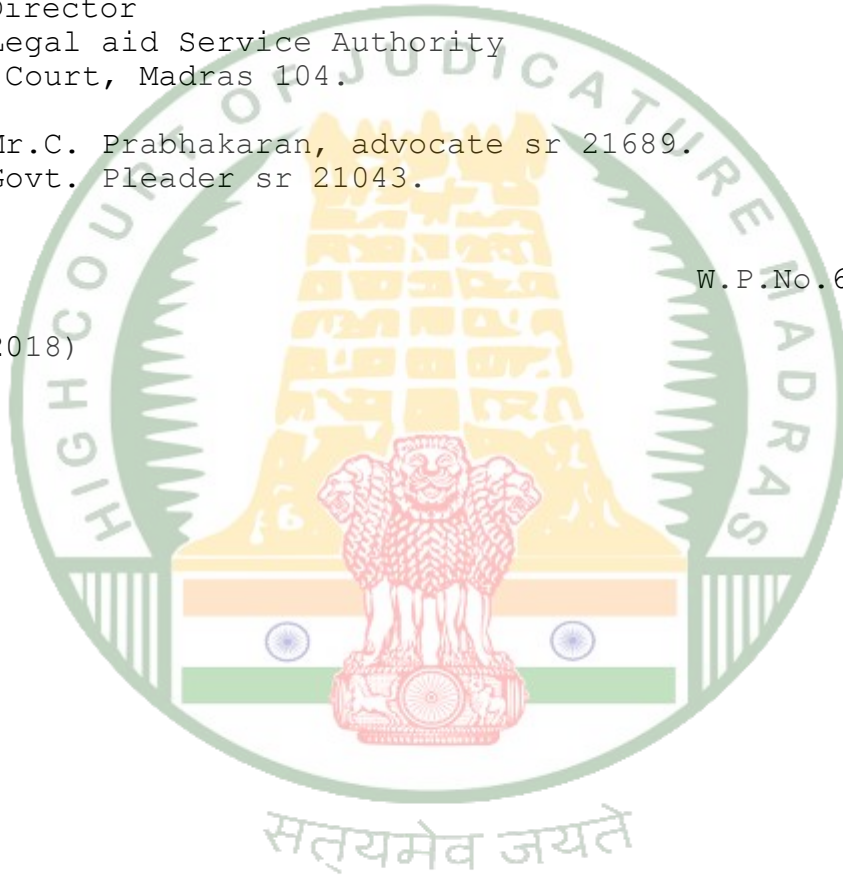
Copy to
The Director
The Legal aid Service Authority
High Court, Madras 104.

+1 CC to Mr.C. Prabhakaran, advocate sr 21689.

+1 Cc to Govt. Pleader sr 21043.

W.P.No.6098 of 2018

SP(04/04/2018)



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