

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.10.2018
CORAM
THE HONOURABLE MR. JUSTICE. S.M.SUBRAMANIAM
W.P.No.14165 of 2016
and
M.P.Nos.12391 and 12392 of 2016

Jaicon Construction Private Ltd,
Rep by its Managing Director R. Jeyaraj,
No.5-A, 14th East Main Road,
Gandhi Nagar, Vellore-632 006. ...Petitioner

-Vs-

1.District Consumer Disputes Redressal Forum,
Muthaialpet, Puducherry,
Rep. By its President,

2.S.Srinivasan ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the order passed in Consumer complaint No.6 of 2011 dated 25.01.2012 on the file of the 1st respondent and to quash the same as arbitrary, illegal, irregular and erroneous exercise of jurisdiction.

For petitioner : Mr.H.Nazirudeen

For Respondents

For R1 : No appearance

For R2 : Mr.L.Chandrakumar

O R D E R

The present writ petition has been filed challenging the order passed in Consumer complaint No.6 of 2011 dated 25.01.2012 on the file the District Consumer Disputes Redressal Forum, Puducherry.

2. The learned counsel appearing on behalf of the writ petitioner made a submission that undoubtedly, the order passed by the District Consumer Disputes Redressal Forum, Puducherry in Consumer complaint No.6 of 2011 dated 25.01.2012 is under challenge in this petition. However, the appeal filed by the petitioner before the State Consumer Disputes Redressal Commission was dismissed on the ground of delay. Further the writ petitioner has approached National Consumer Redressal Commission, New Delhi and as against the said order, the writ petitioner has preferred Special Leave Petition before the Hon'ble Supreme Court and the Hon'ble Supreme Court has also rejected the Special Leave petition. After rejection of the Special Leave Petition by the Hon'ble Supreme Court, the present writ petition has been filed, challenging the very same order of the District Consumer Disputes Redressal Forum.

3. Though several grounds are raised in respect of the merits of the matter, this Court is not inclined to consider, in view of the fact that the petitioner has already filed an appeal before the State Consumer Forum, challenging the very same order dated 25.01.2012 , passed in Consumer complaint No.6 of 2011 and further he has approached National Consumer Redressal Commission, New Delhi and as against the order passed by the National Consumer Redressal Commission, the writ petitioner has filed Special Leave Petition before the Hon'ble Supreme Court in SLP No.15484 of 2014 and the same was dismissed on 14.07.2014. After the lapse of about two years, the present writ petition has been filed on 14.02.2016, once again challenging the very same order dated 25.01.2012, passed in Consumer complaint No.6 of 2011.

4. This Court is of an opinion that such as recourse and judicial review amounts to abuse of process law under Article 226 of the Constitution of India, since the petitioner has gone upto the Apex Court of India.

S.M.SUBRAMANIAM.,J

rts

5. The present writ petition is not maintainable and accordingly the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

12.10.2018

Internet:Yes/No

Index : Yes/No

Speaking order/Non-Speaking Order

tta/rts

To

The President,
District Consumer Disputes Redressal Forum,
Muthaialpet, Puducherry.

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