

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.19824 of 2009

R.Gopalakrishnan

..Petitioner

vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Co-operation Food and
Consumer Protection Department,
Fort St. George, Chennai 9.
2. The District Collector,
Cuddalore District, Cuddalore.
3. The District Collector,
Tiruvannamalai District, Tiruvannamalai.
4. The Deputy Superintendent of Police,
CSCID, Vellore, Vellore District.
5. The Inspector of Police,
CSCID, Tiruvannamalai, Tiruvannamalai District.
6. The Inspector of Police,
CSCID, Cuddalore, Cuddalore District.

..Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus, forbearing the respondents from detaining the petitioner under the provisions of 3 (1) of the Prevention of Black Marketing and Maintenance of Supply of Essential Commodities Act 1980 (Act 7 of 1980).

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.A.N.Thambidurai, Spl.G.P.

ORDER

The prayer in the Writ Petition is for a issuance of Writ of mandamus to forbear the respondents from detaining the petitioner under the provisions of 3 (1) of the Prevention of Black Marketing and Maintenance of Supply of Essential Commodities Act.

2. The sixth respondent has filed a detailed counter affidavit stating that the petitioner has so far involved in 5 cases for violation of the Provisions of the Essential Commodities Act, which are as follows: Cr.No.92 of 2007 by Sathiyamangalam Police Station; Cr.No.228 of 2007 by Civil Supply CID, Vellore; Cr.No.700 of 2008 by Civil Supply CID, Thiruvannamalai; Crime No.516 of 2009 by Civil Supply CID, Salem and Crime No.324 of 2009 by Civil Supply CID, Cuddalore. It is further stated that this Writ Petition has been filed only to prevent the respondents from discharging their statutory obligation.

3. In similar circumstances, this Court in W.P.No.12110 of 2006 has observed as follows:

"this Court is very much disturbed by the way in which the writ petition has been filed before this Court. While the statutory authority was preparing to exercise its duty in accordance with law, an attempt has been made by the petitioner to pre-empt the said proceedings, by way filing this Writ Petition. It is like an accused involved in a crime asking for a Mandamus to restrain the Police from registering a case against him. When the Court is already confronted with backlog of cases, it should be concern of the litigant public to ensure that unscrupulous litigations are not brought before Courts. If this Court has to spend its time in these kinds of unnecessary and unscrupulous litigations, then the back log will be only piling up. The valuable judicial time of this Court has been consumed in hearing this Writ Petition on few days. Therefore though the writ petition has become infructuous, I deem it appropriate to impose costs on the petitioner for having abused the process of Court."

4. In my considered view, the order referred supra squarely applies to the case on hand. Hence, I find no merit in this Writ Petition. Therefore, the Writ Petition is dismissed on the same lines as in the above said order. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

pvs

To

1. The Secretary to Government,
The State of Tamil Nadu,
Co-operation Food and
Consumer Protection Department,
Fort St. George, Chennai 9.
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3. The District Collector,
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CSCID, Tiruvannamalai, Tiruvannamalai District.
6. The Inspector of Police,
CSCID, Cuddalore, Cuddalore District.

+1cc to Mr.C.Prakasam, Advocate SR.No.46459

+1cc to Government Pleader, High Court, Madras SR.No.45832

W.P.No.19824 of 2009

VG II(CO)
GMY(08/07/2019)