

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2019

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Appeal No.1473 of 2017

D.Vijayalakshmi

... Appellant

-vs-

1.The State of Tamil Nadu,
Rep by The Inspector,
B-3, Police Station,
Variety Hall Road,
Coimbatore- 641 001

2. S.Vivekanandan

Advocate cum Commissioner.

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order passed by this Court in W.P.No.7802 of 2017 dated 22.06.2017.

Prayer in W.P.No.7802 of 2017:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of mandamus directing the first respondent to consider and to take necessary action on the petitioner's representation, dated 06.01.2017 against the second respondent for illegally suppressed the inventory report to the court.

For appellant : Mrs.D.Vijaya Lakshmi
(Appellant in Person)

For Respondents : Mr.R.P.Prathap Singh, (For R.1)
Government Advocate
Mr.A.Thiyagarajan,
(for R.2)

JUDGMENT

(Judgment of the Court was delivered by T.S.Sivagnanam, J.)

This Appeal by the appellant is directed against the order dated 22.06.2017 in W.P.S.R.No.7802 of 2017.

2. We have heard Mrs.D.Vijaya Lakshmi, appellant in person and Mr.R.P.Prathap Singh, learned Government Advocate for R.1 and Mr.A.Thiyagarajan, learned counsel for R.2.

3. This appeal has been filed against the order passed by the learned Writ Court in W.P.S.R.No.7802 of 2017. The appellant seeks for a direction upon the Inspector of Police, B-3, Police Station, Variety Hall Road, Coimbatore to take necessary action on her representation dated 06.01.2017 in which she wants action to be taken against the second respondent who is an Advocate, who was appointed as Advocate Commissioner in the suit filed by the appellant before the Civil Court at Coimbatore.

4. The writ petition was not numbered as the Registry entertained a doubt as regards its maintainability. Therefore, the matter was listed before the learned Single Bench under the caption "For maintainability". The Court, after considering the submissions of the appellant appearing in person, held that the remedy of the appellant is under Civil Procedure Code, if she is aggrieved by the report submitted by the Advocate Commissioner and a writ petition with a prayer sought for is not maintainable.

5. The petitioner appearing in person elaborately reiterated the submissions she had made in the representation, casting certain aspersions on the learned Advocate Commissioner and stated about the Civil proceedings initiated by her in various Courts in Coimbatore District.

6. The learned counsel for the second respondent submitted that exemplary cost should be imposed on the appellant appearing in person as she has been repeatedly filing cases before this Court and complaints before the Bar Council with distorted facts, filing false affidavits etc. Since, the writ petition is not entertained and the merits were not considered and the same was dismissed on the ground of maintainability, and we have tested the correctness of such order, we refrain from imposing any cost on the appellant however if the appellant has been misrepresenting facts before the various forums and virtually doing forum shopping, her action and attitude has to be deprecated.

7. We find no error in the order passed by the learned Single Bench, as the petitioner's remedy lies elsewhere and not before this Court by way of a writ petition. Thus, we are of the clear view that the order passed by the learned Writ Court does not call for any interference. Accordingly, the writ appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrm/ssb

To

- 1.The Inspector, State of Tamil Nadu,
B-3, Police Station,
Variety Hall Road,
Coimbatore - 641 001
2. S.Vivekanandan
Advocate cum Commissioner,
Room No.123 & 124,
1/15, Sr.Lawyer Complex,
Gopalapuram, 3rd street, Coimbatore.

+1 cc to M/s.A.Thiyagarajan, Advocate Sr.No.20124
+1 cc to The Government Pleader, Sr.No.20561

W.A.No. 1473 of 2017

RR(CO)
CSL/05.04.2019

सत्यमेव जयते

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