

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23/4/2019

C O R A M

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.21166 of 2017

Govindhan

... Petitioner

Vs

1. The Secretary
Government of Tamil Nadu
Prohibition and Excise Department
Fort St. George
Chennai 9.
 2. The Managing Director
Tamil Nadu State Marketing Corporation Ltd
CMDA Tower, II, IV Floor
Gandhi Irwin Road
Egmore
Chennai 600 008.
 3. The District Manager
Tamil Nadu State Marketing Corporation Ltd
Villupuram.
 4. The District Collector
Villupuram District.
 5. The Tahsildar
Gingee
Villupuram District.
- ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a writ of mandamus to direct the respondents 3 to shift the TASMAR shop No.11622 situated on the Gingee to Villupuram National Highways at Chittampoondi Village, Gingee Taluk, Villupuram District 604 25 to any other place.

For Petitioner ... Mr.S.Arivazhagan

For respondents ... Mr.E.Manoharan
Additional Government Pleader
for R.R.1, 4 and 5.

Mr.K.Satheesh Kumar
Standing Counsel
for R.R.2 and 3.

O R D E R

(Order of this Court was made by S.MANIKUMAR, J.)

Petitioner has sought for a writ of mandamus, directing the respondents 3, to shift the TASMACH shop No.11622, situated on the Gingee to Villupuram National Highways at Chittampoondi Village, Gingee Taluk, Villupuram District, to any other place.

2. On 12/3/2019, we directed the Registrar (Vigilance), High Court, Madras, to conduct an enquiry and submit a report.

3. On enquiry, Registrar (Vigilance) has submitted a report, dated 22/4/2019, concluding that signatures contained in the writ petition (11 number in total), vakalath and the signature contained in the sworn affidavit, dated 8/3/2019, do not tally with the signatures contained in

(1) Document No.1 - Sheet of paper containing signature and the handwriting of Mr.Govindan/petitioner, obtained during enquiry

(2). Document No.2 - copy of summon documents, wherein he has signed at the time of receiving summon and

(3). Document No.3 - Signature of the writ petitioner in the District Library, Chittampoondi.

4. Registrar (Vigilance), High Court, Madras, has further observed that though he had stated that he only instructed his advocate Tr.Babu to file the writ petition but he had signed the writ petition without knowing the content is un-understandable.

5. In the light of what is prima facie found by the Registrar (Vigilance), High Court, Madras, matter requires to be proceeded further by the Bar Council of Tamil Nadu and Puducherry, for necessary action.

6. Registry is directed to furnish the entire case papers of the writ petition, orders of this Court and the enquiry report of the Registrar (Vigilance), dated 22/4/2019 to Mr.Babu

(Enrolment No.4194/2012) Mr.Sakthivel (Enrolment No.2618/2008) and Mr.T.Rajarathinam (Enrolment No.677/2002), within a period of one week, from today.

7. Mr.Babu, Mr.Sakthivel and Mr.Rajarathinam, to whom enquiry report, dated 22/4/2019, is directed to be furnished, are directed to submit their response to the Bar Council of Tamil Nadu and Puducherry, within a period of fifteen days, thereafter.

8. Bar Council of Tamil Nadu and Puducherry are directed to proceed, in accordance with law. It is expected that disciplinary Committees constituted, under the Bar Council of India Act, should seriously and meticulously, consider the orders of this Court and the report submitted by Registrar (Vigilance), High Court, Madras, while taking appropriate decision, as directed by this Court.

9. As it is now prima facie found that the signatures contained in the writ petition (11 in number), i.e., vakalath and sworn affidavit, do not tally with the signatures contained in document Nos.1 to 3, details of which are extracted supra, writ petition does not deserve to be proceeded further. Accordingly, writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary
Government of Tamil Nadu
Prohibition and Excise Department
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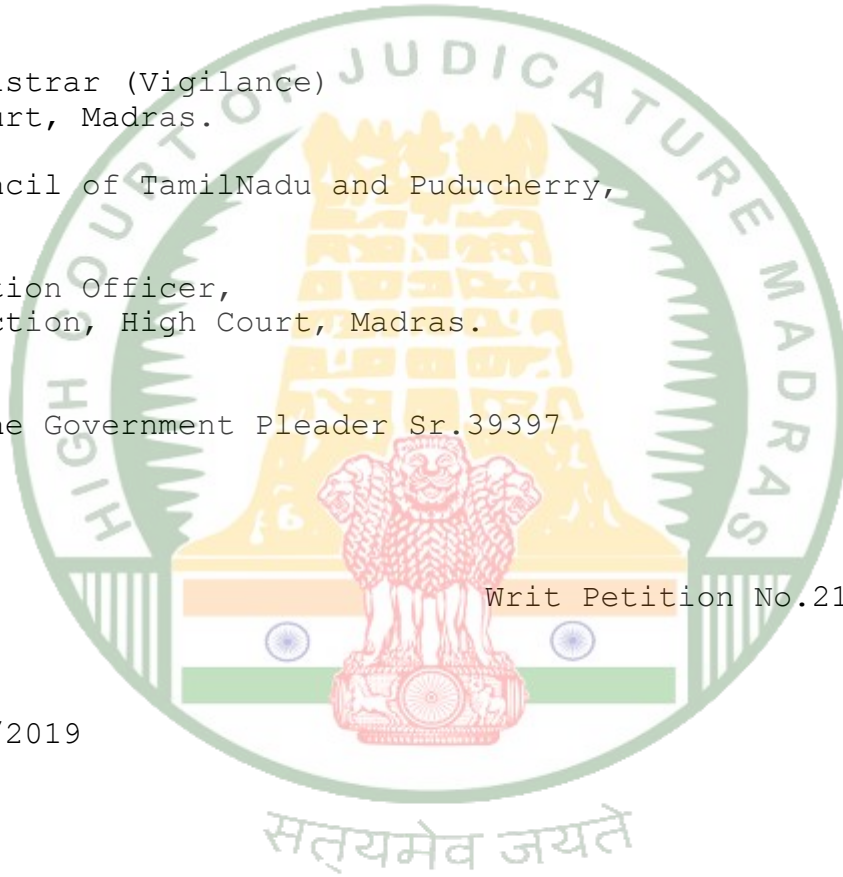
Copy to

- 1.The Registrar (Vigilance)
High Court, Madras.
- 2.Bar Council of TamilNadu and Puducherry,
Chennai.
- 3.The Section Officer,
Writ Section, High Court, Madras.

+1cc to the Government Pleader Sr.39397

Writ Petition No.21166 of 2017

svi[co]
srg 29/04/2019



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