



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMARW.P.(MD)No.11908 of 2019

P.Kalayanasundaram

...Petitioner

-Vs-

1. The District Collector,
Pudukkottai.2. The Revenue Divisional Officer,
Aranthangi, Pudukkottai Dt.3. The Superintendent of Police,
Pudukkottai District.4. The Tahsildhar,
Manamelkudi Taluk Office,
Pudukkottai District.5. The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Punjab National Bank Opposite,
Pudukkottai District6. The Inspector of Police,
Manamelgudi Police Station,
Pudukkottai District.

7. Pandiyaraman

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 1st to 6th respondents not to give permission to any person or group to perform a temple festival for Sri Muthumariyamman and Iyanar or any other program in Edyathimangalam Village, Manamelgudi Taluk, Pudukkottai District till a solution is found.

For Petitioner : Mr.C.Nagamuthu

For Respondents : Mr.C.M.Mari Chelliah Prabhu, AGP
for R1 to R6

: Mr.K.Baalasundaram for R7

**ORDER**

The prayer in this writ petition is for a Writ of Mandamus, directing the 1st to 6th respondents not to give permission to any person or group to perform a temple festival for Sri Muthumariyamman and Iyanar or any other program in Edyathimangalam Village, Manamelgudi Taluk, Pudukottai District till a solution is found.

2. Heard Mr.C.Nagamuthu, learned counsel appearing for the petitioner and Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader appearing for the respondents 1 to 6 and Mr.K.Baalasundaram, learned counsel appearing for the 7th respondent.

3. It is brought to the notice of this Court by the learned counsel appearing for the official respondents as well as the learned Additional Government Pleader appearing for the official respondents that, for the very same prayer, earlier, a writ petition has been filed by the very same petitioner against the very same respondents in W.P.(MD) No.8823 of 2019 and the same was dismissed on 08.04.2019. Despite the same, for the very same prayer against the very same respondents, once again, the present writ petition with the very same prayer has been filed by the very same petitioner.

4. In this regard, I have heard the learned counsel appearing for the petitioner, who would submit that, no doubt, the petitioner has filed the earlier writ petition, which was dismissed on 08.04.2019 on the ground that it was a premature stage. Now, the respondents, especially, the 7th respondent is trying to conduct the same festival. Therefore, that stage is not there now and hence, the petitioner has approached this Court and the learned counsel would also submit that he has not suppressed the fact that he has already approached this Court for the very same prayer and the same was dismissed. Therefore, the learned counsel for the petitioner contended that, there is no impediment for this Court to entertain this writ petition.

5. I have heard the said submissions made by both sides and perused the materials placed before this Court.

6. The very same petitioner, against very same seven respondents, filed earlier writ petition in W.P.(MD) No.8322 of 2019, which was dismissed by this Court on 08.04.2019. The prayer sought for therein and the order passed by the learned Judge dated 08.04.2019 is extracted herein:



"PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 6 not to give permission to any person or group to perform a temple festival for Sri Muthumariyamman and Iyanar or any other program in Edayathimangalam Village, Manamelgudi Taluk, Pudukkottai District till a solution is found.

For Petitioner : Mr.C.Nagamuthu
For R1 to R6 : Mr.M.Karuppasamy
Government Advocate

ORDER

Heard the learned counsel appearing for the writ petitioner.

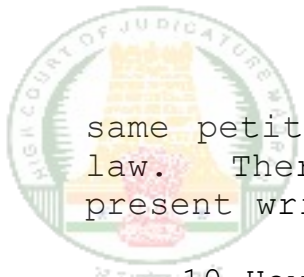
2. The prayer in the writ petition is that the authorities should not give permission to the rival group to conduct the festival in question. If any order is passed in favour of the private respondents, it is always open to the writ petitioner to approach this Court for relief. At this stage, the case is premature. Hence, leaving open the rights of the writ petitioner, the Writ Petition stands dismissed. No costs. "

7.The very same petitioner, against the very same respondents, filed the present writ petition with the following prayer:

"Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 1st to 6th respondents not to give permission to any person or group to perform a temple festival for Sri Muthumariyamman and Iyanar or any other program in Edyathimangalam Village, Manamelgudi Taluk, Pudukkottai District till a solution is found."

8.This Court finds that no difference between these two prayers and not even a single word has been changed and there is no changing circumstance also.

9.Moreover, the learned Judge, while dismissing the writ petition earlier on 08.04.2019, has observed that if any order is passed by the official respondent in favour of the 7th respondent against the interest of the petitioner, it is open to the petitioner to approach this Court assailing the said order. However, till date, no such order has been passed by the official respondents in favour of the 7th respondent and therefore, what has been rejected exactly by the learned Judge by his order dated 08.04.2019, is being asked for in the earlier writ petition filed by the petitioner has once again been asked for in this writ petition by the very



same petitioner, which is nothing but gross abuses of process of law. Therefore, this Court has no hesitation to hold that the present writ petition has to be dismissed with exemplary cost.

10. However, the learned counsel appearing for the petitioner would submit that, he has not suppressed the earlier round of litigation and in the typed set of papers, he has filed the orders of this Court dated 08.04.2019 made in the earlier writ petition and hence, the petitioner cannot be treated as a person, who suppressed the material facts and approached this Court.

11. Be that as it may, the writ petitioner might not have suppressed the fact of earlier round of litigation and dismissal of the said writ petition by this Court. But, the writ petitioner, knowing that, the very same prayer, which was rejected by this Court in the earlier order, has sought for the very same prayer once again here also. Therefore, it is nothing but a misuse of process of law and therefore the petitioner is deserved to be treated accordingly by dismissing the writ petition with cost.

12. In the circumstances stated above, this writ petition is dismissed with a cost of Rs.10,000/- (Rupees ten thousand only), which shall be paid before the District Educational Officer of the District concerned, where the petitioner is residing and on receipt of the same, the concerned District Educational Officer can utilize the fund for the improvement of infrastructure for any Government school, which requires such infrastructure facility.

13. With the above observation and direction, this writ petition is dismissed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Arul
To

1. The District Collector,
Pudukkottai.
2. The Revenue Divisional Officer,
Aranthangi, Pudukkottai Dt.
3. The Superintendent of Police,
Pudukkottai District.



4. The Tahsildhar,
Manamelkudi Taluk Office,
Pudukkottai District.
5. The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Punjab National Bank Opposite,
Pudukkottai District
6. The Inspector of Police,
Manamelgudi Police Station,
Pudukkottai District.
7. The District Educational Officer,
Pudukkottai District.

+1cc to M/S.K.BAALASUNDHARAM, Advocate, Sr.No.69203
+1cc to M/S SPECIAL GOVERNMENT PLEADER, Sr.No.69441

Order made in
W.P. (MD) No.11908 of 2019

Dated:
17.06.2019

BUC (26/06/2019) 5P/10C