

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2020

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THE HONOURABLE MR. JUSTICE **V.PARTHIBAN**

W.P.No.4442 of 2020  
& WMP No.5261 of 2020

V.Anbazhagan

..Petitioner

Vs.

1.The Commissioner,  
Commissionarate of Municipal Administration,  
Department of Municipal Administration,  
Raja Annamalaipuram, Chennai-600 028

2.The Municipal Commissioner,  
Pallavaram Municipality,  
Pallavaram, Chennai-600 043

3.C.Mathivanan,  
Municipal Commissioner,  
Pallavaram Municipality,  
Pallavaram, Chennai -600043

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent herein to take appropriate action against the third respondent, who mis-used his

position and Office of the second respondent based on the petitioner's representation dated 08.12.2019.

For Petitioner .. Mr.S.Kumara Devan  
For Respondents .. Mr.J.Pothiraj, Spl GP for RR1  
Mr.P.Srinivas, for RR2 & 3

**ORDER**

This writ petition has been filed seeking for issuance of a Writ of Mandamus, to direct the first respondent herein to take appropriate action against the third respondent, who mis-used his position and Office of the second respondent, based on the petitioner's representation dated 08.12.2019.

2. The petitioner claims himself to be a Journalist and Social Activist. According to him, he is working as the Editor of "Makkal Seithi Maiyam.com" a Tamil Web Magazine. According to him, he worked in various Tamil Newspapers as Chief Reporter and Editor etc. It appears that he has given a complaint against third respondent in 2019 to the Directorate of Vigilance and Anti-Corruption, alleging various malpractices and other

irregularities said to have been committed by the third respondent. As a public crusader, the petitioner claims that he filed several public interest litigations. Because of his social activism, number of cases were registered against him by the police and many of the cases were also quashed by this Court.

3. The grievance of the petitioner as per the present Writ Petition is that the third respondent against whom the petitioner gave a complaint, had developed enmity towards him and lodged a false complaint against the petitioner and his family members. The petitioner has quoted number of instances of several transactions and complaints on various periods of time. The entire affidavit is full of factual details about the complaints, counter complaints and criminal cases foisted against the petitioner. Ultimately, the petitioner is seeking a direction to the first respondent to take action against the third respondent for mis-using the office of the second respondent Municipality on the basis of his representation dated 08.12.2019.

4. This Court, in order to appreciate the case of the petitioner, made a

cursory glance of the averments contained in the affidavit filed in support of the Writ Petition. From the averments, it could be seen that the petitioner and the third respondent having a running feud alleging charges against each other. A plethora of facts mentioned about the petitioner's activism and his so-called public interest are not relevant for consideration of the prayer as sought for by the petitioner.

5. In any event, from the entirety of the averments, it could be inferred that the petitioner has some axe to grind against the third respondent and in order to settle his personal grudge with the third respondent, he has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. This Court's jurisdiction cannot be mis-used by a person like the petitioner, who has a personal scores to settle against the third respondent. When the affidavit is full of disputable facts, merely on the basis of self-serving averments of the petitioner, no direction can be issued to the first respondent. This Court, certainly cannot allow its Constitutional jurisdiction to be used by a person like the petitioner for advancing his personal agenda against the official of

the Municipality.

6. For the above said reasons, this Court is of the view that the Writ Petition lacks *bona fides* and hence, no Mandamus can be issued. Therefore, the Writ Petition is dismissed as being devoid of merits and substance. No costs. Consequently, connected miscellaneous petition is closed.

17.03.2020

Index: Yes/No

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3. C. Mathivanan,

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Municipal Commissioner,  
Pallavaram Municipality, Pallavaram, Chennai -600043

**V.PARTHIBAN, J.**

**dn**



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