



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM :

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.40176 of 2015

M.B.Mani

...Petitioner

Vs.

The Chief Secretary to Government
Government of Tamilnadu
Fort St. George
Chennai 600 009.

...Respondent

Prayer : Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to direct the respondent herein to dispose of the petitioner's representation dated 04.08.2014 in accordance with law within a time frame that may be fixed by this Court.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.M.Rajendiran
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is to direct the respondent to dispose of the petitioner's application dated 04.08.2014.

2.The representation dated 04.08.2014 reveals that the villagers of Beratty Village along with the petitioner submitted a representation claiming 870 acres of land said to have been leased to establish the Wellington Barracks in the Nilgiris District. The contention of the petitioner is that the subject property was leased out to the British in the year 1853 and the lease period was 100 years. However, the land was not returned back to the petitioner and now it is in occupation of the Ministry of Defence. In this regard, the petitioner submitted a representation and the said representation is not considered. Thus, the present writ petition is filed.



3. The District Collector filed a counter affidavit stating that Gudumani Sangam, Jagathala, Nilgiris District also initiated action in respect of the subject property and a civil suit was also filed in O.S.No.222 of 1961, which was dismissed by the competent Civil Court of law. An appeal suit in AS No.147/1970 was filed on the file of the District Judge, Coimbatore and the appeal suit was also dismissed. The subject property is in possession of the Defence Ministry and Madras Regimental Centre, Defence Ministry offices are functioning in the locality.

4. This Court is of the considered opinion that when the villagers filed civil suit in the year 1961, the suit was dismissed and appeal suit was also dismissed, subsequently the petitioner cannot institute the present writ petition merely for a direction to consider the representation. The impression created on the writ petitioner is that the High Court will issue a direction to consider the representation in a routine manner and under those pretext such writ petitions are filed and thus, the conduct of the petitioner in this regard cannot be appreciated. The petitioner has suppressed the fact that regarding the dismissal of the civil suit before the competent Court of law and also the appeal suit. The practice of filing a writ petition with incorrect details or by suppressing the material facts and seek for a direction to consider the representation and after getting a direction to consider the representation attempting to create a cause for adjudication, such a mode of creation of cause for the purpose of developing a litigation cannot be accepted and Courts are bound to take a serious view on this kind of practices, mostly done at the behest of legal brains. Thus, even to issue a direction to consider the representation, litigants are bound to establish legal right. In the absence of any legal right, no such direction needs to be granted. However, the growing practice of filing such writ petition to consider the representation has made with an attempt to develop a cause and thereafter adjudicate the issues on merits knowing the fact that those cases are dead and gone long back. In the present case, even as per the petitioner, the lease was of the year 1853 and they say it for 100 years and the lease was executed in favour of the British during the British regime and after independence, the said property is utilised by the Ministry of Defence, Government of India for establishment of Madras Regimental Service and Defence Service Staff College and other Ministry of defence offices.

5. This being the facts and circumstances, the manner in which the writ petition filed is deprecated and the petitioner has not established even a semblance of legal right so as to



consider the relief sought for in the present writ petition.
Accordingly, the writ petition stands dismissed. No costs.

`Sd/-

Assistant Registrar (CS-IV)

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// True Copy //

Sub Assistant Registrar

RR

To

The Chief Secretary to Government
Government of Tamilnadu
Fort St. George
Chennai 600 009.

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SR(CO)
RVM(30/12/2021)