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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21122 of 2021
and

W.M.P.Nos.22391 and 22392 of 2021

Varadharajan C.N.

...Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowments
(Administration) Department,
Uthamar Gandhi Adigal Salai,
Nungambakkam, Chennai-600 034.
2. The Assistant Commissioner/Executive Officer,
Arulmigu Devarajaswami Temple,
Chinnakancheepuram,
Kancheepuram District - 631 501.
3. S.Srinivasa Ragava Bhattar
4. Krishnaswamy Bhattar,
Archakar, Arulmigu Devarajaswami Temple,
Kancheepuram.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the impugned order in Se.Ma.Na.Ka.282/1427 dated 04.12.2017 passed by the 2nd respondent herein, and quash the same.

For Petitioner : Mr.T.Ramesh
for Mr.S.Victor Prasath

For Respondents : Mr.N.R.R.Arun Natarajan
Government Advocate



O R D E R

The learned counsel appearing on behalf of the petitioner made a submission that the petitioner is not interested in pursuing the writ petition and willing to withdraw the present writ petition and further pursuing his remedy before the Commissioner, Hindu Religious and Charitable Endowments (Administration) Department.

2. The learned Government counsel appearing on behalf of the Hindu Religious and Charitable Endowments (Administration) Department made a submission that, in respect of the subject matter another writ petition viz., W.P.No.17920 of 2019 was filed by another petitioner and the said writ petition has also been withdrawn on 06.09.2021. Thus, it is contended that several persons are filing writ petitions on the same subject based on some collusion between the parties. They file the writ petition and withdraw the same in a casual manner and such an approach of the litigants can never be encouraged.

3. This Court is of the considered opinion that the litigants who are approaching the High Court is expected to file petitions with responsibility and casual approach by the litigants at no circumstances be encouraged by the High Court. It is not as if they can file a writ petition and knowing the trend, withdraw the writ petition thereafter. Even for withdrawal there must be an acceptable ground and as far the writ petitions are concerned, withdrawal can never be claimed as a right, however, subject to the orders to be passed by the High Court. Unlike the Civil Suit, withdrawal can never be claimed as right in the writ petition filed under Article 226 of the Constitution of India. Thus, in a Civil Suit, under Order 23 Rule(1) of Code of Civil Procedure (CPC) withdrawal is a right of the plaintiff. However, no such absolute right is vested on the litigant who are filing writ petition under Article 226 of the Constitution of India.

4. Thus, if the Court forms an opinion that unnecessary vexatious litigations are filed, then all suitable actions are to be initiated and if necessary, exemplary costs are to be ordered. However, in the present case, the matter was argued for a considerable length of time on 07.10.2021. When the matter is listed today, the petitioner has chosen to withdraw the writ petition. However, such a withdrawal is to be considered as an absolute one and the writ petitioner is not permitted to raise the very same subject by filing any other writ petition. If any such subsequent writ petition is filed on the very same subject by the petitioner, then suitable actions are to be initiated against him and exemplary costs is to be ordered. With these



observations, the petitioner is permitted to withdraw the writ petition. Accordingly, the writ petition is dismissed as withdrawn. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

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s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ars/mka
To

1. The Commissioner,
Hindu Religious and Charitable Endowments
(Administration) Department,
Uthamar Gandhi Adigal Salai,
Nungambakkam, Chennai-600 034.
2. The Assistant Commissioner/Executive Officer,
Arulmigu Devarajaswami Temple,
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KK(CO)
SP(09/11/2021)