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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.24723 of 2021

V.Anbalagan

.. Petitioner

Vs

1. The Pay and Accounts Officer,
Chennai Port Trust,
Kamarajar Salai,
Chennai - 600 001.

2. N.M.Vengal Rao

.. Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 04.10.2021 and not to grant voluntary retirement until a sum of Rs.14,29,256 recovered from 2nd respondent.

For Petitioner : Mr.S. Kalidas

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 04.10.2021 and not to grant voluntary retirement until a sum of Rs.14,29,256 recovered from 2nd respondent.

2. The petitioner is the third party and has come up with this writ petition against the 2nd respondent who is the employee of the Chennai Port Trust. According to the averment in the affidavit, there was some real estate transaction between the petitioner and the 2nd respondent and as a fall out of the business transaction between them, there was some amount due to the petitioner from the 2nd respondent.



3. The case of the petitioner is that the cheque was issued by the 2nd respondent on 28.12.2015 for a sum of Rs. 5 lakhs towards repayment which the 2nd respondent owed to the petitioner and the cheque was returned dishonoured. The petitioner appeared to have also filed a suit in O.S.No.271 of 2017 on the file of the Principal District Judge, Kancheepuram at Chengleput and a decree was also passed in the said suit. Subsequently, the petitioner appeared to have also filed E.P.No.144 of 2020 to attach salary of the 2nd respondent.

4. While the matter stood thus, the present writ petition has been filed by the petitioner directing the Port Trust not to consider the petitioner's representation dated 04.10.2021, as according to him, the petitioner could escape from the liability, if he is allowed to be retired voluntarily.

5. This Court is unable to appreciate as to how such a writ petition could be entertained in the first place. A private transaction between the petitioner and the 2nd respondent cannot give rise to any cause of action for filing the writ petition, involving the constitutional jurisdiction of this Court in settlement of civil dispute between the parties.

6. The attempt by the petitioner herein to drag the Writ Court for realisation of his so called outstanding dues from the 2nd respondent is to be discountenanced as a down right abuse of process of the Court. The Writ of Mandamus cannot be subjected to such blatant abuse and misuse by the litigant and seek a direction for settling private scores in the public law domain. Moreover, when the petitioner had chosen to approach the Civil Court for availing the remedy against the 2nd respondent, he should not have invoked the constitutional remedy simultaneously in respect of the same dispute for obtaining a collateral direction from this Court in order to advance his personal ends.

7. In the above circumstances, this Court has no hesitation in dismissing the writ petition with costs as the writ petition lacked in bonafides, motivated litigation and deserve to be dismissed forthwith. The Writ Petition is accordingly dismissed with costs of Rs.5,000/- (Rupees Five Thousand only) to be paid by the writ petitioner to the Honourable Chief Minister Covid -19 Relief Fund within a period of four weeks from the date of receipt of a copy of this Court.

8. In case of default by the petitioner, the Collector is directed to initiate revenue recovery proceedings against the



petitioner and recover the amount and remit the same to the fund as directed above. Registry is directed to mark a copy of the order to the Collector, Chennai.

No costs.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Pay and Accounts Officer,
Chennai Port Trust,
Kamarajar Salai,
Chennai - 600 001.

2. The Collector,
Chennai

COPY TO:

The Honourable Chief Minister Covid -19 Relief Fund
fort St. George, Chennai-09.

COPY TO:

The Section Officer,
Accounts Section,
High Court, Madras-104.

W.P.No.24723 of 2021

SSD(CO)
CT 09/12/2021