



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND**

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.10384 of 2019

and WMP(MD) Nos.7988 and 7989 of 2019

(Through Video Conferencing)

R.Arumugam

: Petitioner

Vs.

- 1.The Secretary to Government of Tamil Nadu
Cooperative (Housing) Department
Secretariat, Chennai. 600 009.
- 2.The Registrar of Cooperative Societies (Housing)
Tamilnadu Housing Board Building,
No.493 Anna Salai, Nandanam
Chennai.
- 3.Deputy Registrar of Cooperative Societies (Housing)
Tirunelveli.
- 4.The Harvey Staff Cooperative Employees
Housing Society Ltd, Tuticorin,
Rep. by its Liquidator,
Tuticorin Cooperative Housing Society,
No.1 chidambaram Nagar, Tuticorin.
- 5.The Vikasa School
A unit of PSTS Charity
Through its Chairman, T.Velshankar
- 6.The Commissioner
Thoothukudi City Municipal Corporation
113 Palai Road,
Thoothukudi 628 002.
- 7.The Additional Director General of Police,
CBCID, Chennai.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus directing the 6th respondent to evict the 5th respondent from the aforementioned



property comprised in old S.No.494/1B, Ward No.19, Ward No.C, Block No.28 in Meelavittan Village, Tuticorin Municipal Corporation, measuring about 2 Acres and take over the land and school situated therein.

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For Petitioner : Mr.S.I.Muthiah
For Respondents : Mr.N.Shanmugaselvam for R1 to R3 & 7
Special Government Pleader.
Mr.S.Kumar for R4
M/s.N.Krishnaveni
Senior counsel for
Mr.Niranjan S.Kumar for R5
Mr.S.Saji Bino for R6

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This pro bono litigation is filed by the petitioner seeking a direction to the respondent No.6 to evict the 5th respondent from the property and thereafter take over the land.

2.This is a second round of litigation. In pursuant to the order passed in W.P(MD) No.2346/2012 dated 07.09.2017, an order was passed by the respondent No.2 dated 21.12.2017, after affording an opportunity to the petitioner and the respondent No.5. Thereafter, a lease deed has been executed by the respondent No.3 in favour of the respondent No.5. A copy of the said order also said to have been marked to the petitioner.

3. Without disclosing the aforesaid facts, the petitioner has come forward to file this writ petition seeking the aforesaid relief.

4. The petitioner in the affidavit filed has not made any mention about the enquiry attended by him and the order passed by the respondent No.2 dated 21.12.2017.

5.Thus, we are of the view that this Public Interest Litigation lacks absolute bonafide. When a PIL is filed, a party is expected to take adequate enquiry by way of collecting the particulars. This is a case where the petitioner, after participating in the enquiry, conducted by the respondent No.2, suppressed the same and filed a writ of Mandamus as if nothing has transpired thereafter.

6. Though it is a fit case for imposing costs, in view of the fervent plea made by the learned counsel for the petitioner, we refrain ourselves from doing so with the fond hope that the petitioner would stop henceforth filing such writ petition in future.



7. The writ petition stands dismissed accordingly. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T & P)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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- 5.The Additional Director General of Police,
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+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-14723[F] dated 31/03/2021)

+1 CC to M/s.S.D.MUTHIAH, Advocate (SR-14922[F] dated 31/03/2021)

+1 CC to M/s.S.SAJI BINO, Advocate (SR-15259[F] dated 01/04/2021)

Order made in
W.P. (MD)No.10384 of 2019
Dated: 31.03.2021

KE (05.05.2021) 3P 9C