



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.14671 of 2021

and

W.M.P. (MD)Nos.11602 and 11604 of 2021

K.Chinraj

... Petitioner

Vs.

1. State represented through,
Home Secretary to Government,
Fort St.George,
Secretariat,
Chennai-9.

2. The State represented through,
the Secretary to Government,
Transport Department,
Fort St.George,
Secretariat,
Chennai-9.

3. The Director General of Police,
Tamil Nadu Police Department,
1, Kamarajar Salai,
Dr.Radhakrishnan Salai,
Mailapur, Chennai-600 004.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus directing the third respondent to stop the wrong and improper motor vehicle fine that imposed under Motor Vehicle Act by the Tamil Nadu Police Department, in the light of the petitioner's representation dated 09.07.2021.

For Petitioner : Mr.K.Chinraj

Party-in-Person

For Respondents : Mr.P.Thilakkumar

Standing Counsel for the Government

ORDER

(Order of this Court was made by **M.DURAI SWAMY, J.**)

The petitioner has filed the above writ petition as a Public Interest Litigation, to issue a writ of Mandamus directing the third respondent to stop the wrong and improper motor vehicle fine that was imposed under the Motor Vehicle Act, by the Tamil Nadu Police



Department, in the light of the petitioner's representation, dated 09.07.2021.

2. On a careful consideration of the materials available on record, it could be seen that the writ petition filed by the petitioner under the guise of Public Interest Litigation, is not a Public Interest Litigation and the petitioner is personally interested in the litigation, for the reason that the vehicle inspection record produced by the petitioner at page No.2 of the typed set itself would establish that the petitioner himself was driving a motorvehicle without a protective headgear (helmet) and was driving the motorvehicle on 15.07.2020, when there was a total lock down. When the petitioner is involved in the traffic violation, the writ petition filed by him as a Public Interest Litigation cannot be entertained.

3. It is also brought to the notice of this Court by Mr.P.Thilakkumar, learned Standing Counsel for the Government, appearing for the respondents that the petitioner has also filed a Civil Revision Petition, challenging the return of a plaint, filed before the trial Court in respect of damages claimed by him, for the very same occurrence. However, the petitioner has not mentioned anything about the pendency of the Civil Revision Petition before this Court and filing of the civil suit in his affidavit. The non-mentioning of pendency of the Civil Revision Petition and filing of the civil suit is clearly suppression of material fact in the writ petition.

4. Initially, we thought of imposing costs on the petitioner, while dismissing the writ petition. However, the petitioner, who is appearing in person, submitted that he is a junior advocate and therefore, cost may not be imposed on him. Taking into consideration the submission that the petitioner is a junior advocate, enrolled in the year 2019, we are not imposing any costs on him.

5. For the reasons stated above, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL



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

- 1.The Secretary to Government,
Home Department,
Fort St.George,
Secretariat,
Chennai-9.
- 2.The Secretary to Government,
Transport Department,
Fort St.George,
Secretariat,
Chennai-9.
- 3.The Director General of Police,
Tamil Nadu Police Department,
1, Kamarajar Salai,
Dr.Radhakrishnan Salai,
Mailapur, Chennai-600 004.

+1 CC to M/s.K.CHINRAJ, Advocate (SR-26990[F] dated 23/08/2021)

+1 CC to M/s.SPL GP (SR-26748[F] dated 19/08/2021)

W.P (MD) No.14671 of 2021
18.08.2021

GC (27.08.2021) /3P/6C