



W.P(MD)No.9052 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.9052 of 2023

Abdul Kareem

... Petitioner

Vs

1. The District Collector / Chairman,
Local Planning Authority,
Tirunelveli District, Tirunelveli.
2. The Commissioner of Police,
Tirunelveli City, Tirunelveli.
3. The Inspector of Police,
Palayamkottai Police Station,
Palayamkottai, Tirunelveli District.
4. Abdul Rahman
5. Askar
6. Arulraj
7. Kadhar

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to protect the articles and other materials belonging to the petitioner's company namely M/s. Arasan Beedi and Kings Company Limited at VV Towers, Murugankurichi, Palayamkottai, Tirunelveli District and also recover the articles which were taken away by the respondents No.4 to 7, based on the petitioner's representation, dated 14.02.2023.

For Petitioner	:Mr.S.Palani Velayutham
For R1 to R3	:Mr.J.Ashok Additional Government Pleader
For R4 to R7	:Mr.R.Anand

ORDER

The writ petition had been filed in the nature of a mandamus, seeking a direction against the third respondent/Inspector of Police, Palayamkottai Police Station, Palayamkottai, Tirunelveli District, to protect the articles and other materials belonging to the petitioner's company namely M/s. Arasan Beedi and Kings Company Limited at VV Towers, Murugankurichi, Palayamkottai, Tirunelveli District and also to recover the articles, which were taken away by the respondents No.4 to 7. The petitioner had given a representation on 14.02.2023.



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2. There is no provision of law by which, the Inspector of Police can be directed to protect the properties of the petitioner's company running in the premises of the respondents 4 to 7. The articles are said to have been allegedly already removed.

3. More importantly, there is a suit filed by the petitioner in O.S.No.38 of 2023, before the I Additional District Munsif Court, Tirunelveli. That fact had been totally suppressed in the affidavit filed by the petitioner. The reasons are known only to the petitioner. It is also stated that a petition in CrI.OP(MD)No.2568 of 2023, seeking police protection for the articles had also been filed.

4. The petitioner cannot go round and round every Court seeking the same relief. It cannot be either appreciated or encouraged by this Court.

5. The learned Additional Government Pleader, who appears for the respondents 1 to 3 states that it is a pure personal dispute between the petitioner in one hand and the respondents 4 to 7 in another hand.



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6.The learned counsel for the respondents 4 to 7 stated that the petitioner had suppressed the material fact, particularly filing of the Suit and the Original Petition. The petitioner should come before this Court with clean hands.

7.Suppression of material fact is a fraud played on the Court. In *S.P Chengalvaraya Naidu vs Jagannath*, reported in *1994 SCC(1) 1*, in a case filed without impleading necessary parties, had held that suppression of fact as a fraud on Court.

8.In the instant case, the petitioner has suppressed the pendency of a suit and another Criminal Original Petition, which had been filed by the petitioner himself.

9.In view of the above facts, this Writ Petition stands dismissed.

No costs.

20.04.2023

NCS :Yes/No
Index :Yes/No
Internet:Yes/No
PNM



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C.V.KARTHIKEYAN, J.

PNM

ORDER IN
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