



W.A.(MD) No.985 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.A.(MD) No.985 of 2023
and
C.M.P.(MD) No.7709 of 2023**

Raman

... Appellant

-vs-

1.The Inspector General of Registration
100, Santhome High Road
Chennai-600 028

2.The District Registrar
Sivagangai
Sivagangai District

3.The Sub-Registrar
Manamadurai
Sivagangai District

4.The Thayapuram Hospital Superintendent
Thayapuram, Manamadurai Taluk
Sivagangai District

5.Jeyakumar Daniel

6.Irudhaya Poorna

... Respondents



W.A.(MD) No.985 of 2023

WEB COPY

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 01.06.2023, passed in W.P.(MD) No.11036 of 2023, on the file of this Court.

For Appellant : Mr.R.Murugappan

For Respondents : Mr.T.Villavankothai
Additional Government Pleader for R1 to R3
Mr.G.Prabhu Rajadurai
for Mr.S.M.A.Jinna for R4 to R6

J U D G M E N T

[Judgment of the Court was made by S.VAIDYANATHAN, J.]

This intra-court appeal is directed against the order, dated 01.06.2023, passed in W.P.(MD) No.11036 of 2023.

2. The only ground of attack in this writ appeal is that when the appellant / writ petitioner wanted to withdraw the writ petition, the learned Single Judge should have permitted him to withdraw the writ petition and not dwelt into the other aspects of the matter and imposed costs of Rs.50,000/-. According to the appellant, he is aggrieved only by the order of imposing costs.



W.A.(MD) No.985 of 2023

WEB COPY

3. From the reading of the order passed by the learned Single Judge, it is clear that the learned counsel for the appellant has addressed his arguments and thereafter, wanted to withdraw the writ petition. The learned Single Judge has referred to the writ petitions filed by the third parties apart from the writ petition filed by the appellant herein, wherein this Court has held that there is abuse of process of law on the part of the appellant. The appellant was aware of the earlier proceedings also.

4. In support of his contention, the learned counsel for the appellant placed reliance upon the decision of the Honourable Supreme Court in ***Shaik Hussain and sons vs. M.G.Kannaiah and another***, reported in ***(1981) 3 SCC 71***, wherein, the Apex Court has held that when the writ petitioner seeks to withdraw the writ petition, the Court should permit him to do so and not proceed to decide on the merits of the matter.

5. However, in the present case, the learned counsel for the appellant has put forth his arguments and thereafter, he sought permission of the Court to withdraw the writ petition. The learned Single Judge has also not gone into the merits of the matter, but has referred to the proceedings initiated by the third parties as well as the appellant herein.



W.A.(MD) No.985 of 2023

WEB COPY

6. Taking note of the fact that the appellant is a villager and already an observation has been made by this Court in the earlier proceedings that the appellant is abusing the process of law, we are inclined to reduce the cost to Rs.10,000/- (Ten thousand only) from Rs.50,000/-. The reason for such reduction is only the appellant is an agriculturist, and not otherwise. The modified cost shall be paid by the appellant, within a period of one month from the date of receipt of a copy of this Judgment, as per the directions of the learned Single Judge.

7. With the above observations, this writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.N., J.]

[D.B.C., J.]

05.07.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk

To:

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai-600 028.



W.A.(MD) No.985 of 2023

WEB COPY

- 2.The District Registrar,
Sivagangai,
Sivagangai District.
- 3.The Sub-Registrar,
Manamadurai,
Sivagangai District.



WEB COPY



W.A.(MD) No.985 of 2023

S.VAIDYANATHAN, J.
and
D.BHARATHA CHAKRAVARTHY, J.

krk

W.A.(MD) No.985 of 2023
and
C.M.P.(MD) No.7709 of 2023

05.07.2023