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W.P.Nos.30768 and 15223 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.Nos.30768 and 15223 of 2024
and W.M.P.Nos.16566 and 16567 of 2024

W.P.No.30768 of 2024:

S.MUTHAMIZ

.. Petitioner

Vs

- 1.THE DISTRICT COLLECTOR
COLLECTOR OFFICE,
VILLUPURAM DISTRICT-605 602.
- 2.THE REVENUE DIVISIONAL OFFICER
VILLUPURAM,
VILLUPURAM DISTRICT.
- 3.THE EXECUTIVE ENGINEER
WATER RESOURCES DEPARTMENT,
LOWER PENNIAYAR BASIN DIVISION,
VILLUPURAM-605 602.
- 4.THE THASILDAR
OFFICE OF THASILDAR,
VANOOR, VILLUPURAM DISTRICT.



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5. M.S.M. MINING

NO.15/1, GANDHI STREET,
THIRUNEERMALAI,
CHENNAI-600 044

.. Respondents

W.P.No.15228 of 2024:

ELANGO VAN

.. Petitioner

Vs

1. THE STATE OF TAMILNADU
REP. BY ITS SECRETARY TO GOVERNMENT,
ENVIRONMENT AND CLIMATE CHANGE,
SECRETARIAT, CHENNAI – 9.
2. THE DIRECTOR
ENVIRONMENT DEPARTMENT,
PANAGAL BUILDINGS, CHENNAI – 15.
3. THE DISTRICT COLLECTOR
VILLUPURAM DISTRICT.
4. THE EXECUTIVE ENGINEER
WATER RESOURCES DEPARTMENT,
LOWER PENNIAYAR BASIN DIVISION,
VILLUPURAM - 605 602
5. M.S.M. MINING
NO.15/1, GANDHI STREET,
CHROMPET, CHENNAI – 600 044.

.. Respondents

Prayer in W.P.No.30768 of 2024: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st respondent to dispose the petitioner's representation dated 12.08.2024 to remove the encroachment.



W.P.Nos.30768 and 15223 of 2024

Prayer in W.P.No.15223 of 2024: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records of the respondents in connection with the impugned order issued by the 4th respondent in Letter No.12M/Ko.205/2023/VP.EVA-1, dated 12.01.2024 and quash the same and further direct the 3rd respondent to take appropriate action against respondents 4 and 5 for illegal closer of canal in S.No.106 in Konthamur Village and violation of mining rules.

For Petitioners in both : Mr.K.Sathyaraj
writ petitions

For Respondents in both : Mr.A.Edwin Prabakar
writ petitions
State Government Pleader
for respondents 1 to 4
in W.P.No.30768 of 2024
and assisted by
Mr.T.K.Saravanan
for respondents 1 to 4
in W.P.No.15223 of 2024

: Mr.S.V.Vijay Prashanth
for 5th respondent

COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

When W.P.No.30768 of 2024 was taken up, counsel for respondent No.5 brought to the notice of the court that the same advocate has filed another public interest litigation, being W.P.No.15223 of 2024, as regards



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the same cause of action, where petitioner was one Elangovan, and that this is nothing but abuse of the process of the court.

2. In the affidavit in support of petition, at paragraph No.1, it is averred as under:

“I am the Petitioner herein and as such I am well acquainted with the facts and circumstances of the case. I further submit that I have not filed any other writ petition seeking the same relief before this honorable court.”

3. Counsel for petitioner agreed that another petition has been filed by the same advocate for another petitioner for the same cause of action and sought leave to withdraw the petition.

4. It is rather strange that the same advocate who filed the other petition, being W.P.No.15223 of 2024, did not consider it necessary to advice petitioner to mention about the other public interest litigation that has been filed through the same advocate. At least the advocate should have mentioned this to the court at the outset than counsel for respondent No.5 bringing that to our notice. The advocate is warned not to indulge in this



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kind of misadventure.

5. W.P.No.30768 of 2024 is dismissed as withdrawn. There shall be no order as to costs.

6. In view of the above, though W.P.No.15223 of 2024 is not listed on board, we take the same on board and dismiss that petition as well. There shall be no order as to costs. Consequently, interim applications stand dismissed.

(K.R.SHRIRAM, C.J.)

(SENTHILKUMAR RAMAMOORTHY,J.)

24.10.2024

Index : Yes/No

NC : Yes/No

sasi



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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

(sasi)

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