



W.P.No.15636 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.15636 of 2026
and WMP No.16847 of 2026

The Laymens Evangelical Fellowship
Rep by its Authorised Representative
Pastor J.Swamidoss
9-B, Nungambakkam High Road
Chennai-600 034.

Petitioner(s)

Vs

1. The District Registrar
Nilgiris, Uthagamandalam
Nilgiris-643 001.
2. The Joint I Sub Registrar
Ooty, Nilgiris District
Nilgiris-643 001.
3. The District Collector
Nilgiris District, Udhagamandalam
Nilgiris District, Nilgiris-643 001.

Respondent(s)



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PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the entire records connected with the impugned order dated 28.5.2012 passed by the 1st respondent in Rc.806/B1/2012 and quash the same as it is unlawful and without jurisdiction.

For Petitioner(s): Mr.V.Raghavachari
Senior Counsel
for Ms.Annie Singh

For Respondent(s): Mrs.E.Ranganayaki
Additional Government Pleader

ORDER

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

The petitioner has filed this writ petition seeking issuance of a writ of certiorari to call for the entire records connected with the impugned order dated 28.5.2012 passed by the first respondent in Rc.806/B1/2012 and quash the same as unlawful and without jurisdiction.

2.1. The nub of the matter is that the petitioner had purchased property and building to an extent of 2 acres for a valuable consideration of Rs.One Crore from Jeffrey Dean Mcmanus, after the District committee constituted under Section 2(A) of the



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Tamil Nadu Preservation of Private Forest Act 1949 held that S.No.109/1A1 does not come under Elephant Project and granted permission to sell the aforesaid property to the petitioner under a registered Sale Deed dated 18.01.2012.

2.2. It is stated that after a period of 4 months from the above registration, the first respondent, without issuing any notice, had passed the impugned Order dated 28.05.2012, cancelling the permission granted by the third respondent dated 30.09.2011 and had directed the second respondent to make necessary entries to the encumbrance.

2.3. It is further stated that the petitioner had challenged the impugned order dated 28.05.2012 by filing W.P.No.14702 of 2012, which was withdrawn by the petitioner on 09.08.2021.

2.4. The asseverations further state that the petitioner had received the order dated 16.08.2024 issued by the Committee directing the demolition of the petitioner's building within 15 days and impugning the same the petitioner had filed WP.No.28505 of



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2024. A Division Bench of this court disposed of a batch of writ petitions vide order dated 12.09.2025 protecting the rights of the petitioner and restricting the user. However, as the sale deed was unilaterally cancelled by the first respondent, the present writ petition is filed.

3. Learned Senior Counsel for the petitioner submitted that the cancellation of the sale deed deprives the petitioner of any right over the property, including the right to claim compensation, and if the sale deed is annulled, the vendor will enjoy the compensation and not the petitioner.

4. The relief sought by the petitioner in W.P.No.14702 of 2012 is as under:

"The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, calling for the records pertaining to the impugned order of the 1st respondent made in Rc.806/B1/2012, dated 28.05.2012 and quash the same as arbitrary illegal, unlawful and without jurisdiction."



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A quick look at the prayer in the previous writ petition makes it clear that the relief sought there is identical to what is being sought in this current petition.

5. The aforesaid writ petition was dismissed as withdrawn on 9.8.2021 and the said order reads thus:

"The Writ Petition is heard through video conferencing.

2. The learned Counsel for the petitioner seeks permission of this Court to withdraw the Writ Petition.

3. In view of the submissions made by the learned counsel for the petitioner, this Writ Petition is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is closed."

6. From the aforesaid order, it is clear as crystal that the writ petition was dismissed as withdrawn without granting any liberty.

7. The principle of maintainability of the second writ petition, if liberty was not granted by the court while withdrawing the first writ petition, has been considered by the Supreme Court and it has



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been held that second writ petition on the same issue is not maintainable, if liberty is not granted by the court. The Supreme Court in *Sarguja Transport Service v. S.T.A.T.*¹, held thus:

*"9. The point for consideration is whether a petitioner after withdrawing a writ petition filed by him in the High Court under Article 226 of the Constitution of India without the permission to institute a fresh petition can file a fresh writ petition in the High Court under that article. On this point the decision in Daryao case [AIR 1961 SC 1457 : (1962) 1 SCR 574] is of no assistance. But we are of the view that the principle underlying Rule 1 of Order XXIII of the Code should be extended in the interests of administration of justice to cases of withdrawal of writ petition also, not on the ground of res judicata but on the ground of public policy as explained above. It would also discourage the litigant from indulging in bench-hunting tactics. In any event there is no justifiable reason in such a case to permit a petitioner to invoke the extraordinary jurisdiction of the High Court under Article 226 of the Constitution once again. **While the withdrawal of a writ petition filed in a High Court without permission to file a fresh writ petition may not***

¹ (1987) 1 SCC 5



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bar other remedies like a suit or a petition under Article 32 of the Constitution of India since such withdrawal does not amount to res judicata, the remedy under Article 226 of the Constitution of India should be deemed to have been abandoned by the petitioner in respect of the cause of action relied on in the writ petition when he withdraws it without such permission. In the instant case the High Court was right in holding that a fresh writ petition was not maintainable before it in respect of the same subject-matter since the earlier writ petition had been withdrawn without permission to file a fresh petition. We, however, make it clear that whatever we have stated in this order may not be considered as being applicable to a writ petition involving the personal liberty of an individual in which the petitioner prays for the issue of a writ in the nature of habeas corpus or seeks to enforce the fundamental right guaranteed under Article 21 of the Constitution since such a case stands on a different footing altogether. We, however leave this question open.”

[emphasis supplied]



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8. In *Avinash Nagra v. Navodaya Vidyalaya Samiti*², the Supreme Court held that where the first writ petition was withdrawn without grant of liberty by the court to file a second writ petition, the second writ petition for that very purpose would attract the principle of *constructive res judicata* and would, therefore, not be maintainable. The relevant observation is reproduced hereunder:

"13. The High Court also was right in its conclusion that the second writ petition is not maintainable as the principle of constructive res judicata would apply. He filed the writ petition in first instance but withdrew the same without permission of the Court with liberty to file the second writ petition which was dismissed. Therefore, the second writ petition is not maintainable as held by the High Court in applying the correct principle of law. Thus considered we find no merit in the appeal for interference."

9. In view of the law enunciated by the Supreme Court in the aforesaid decisions on the issue of maintainability of second writ petition, without any liberty granted at the time of withdrawal of the first writ petition, we are of the view that the present writ petition,

² (1997) 2 SCC 534



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being the second writ petition seeking the very same relief, is not maintainable and is liable to be dismissed.

For the aforegiven reasons, the writ petition is dismissed. There shall be no order as to costs. Consequently, interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
24.04.2026

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

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