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W.P.No.20261 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

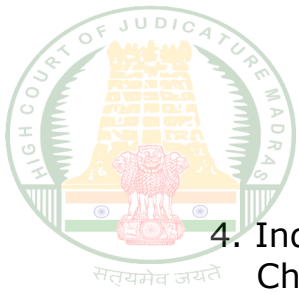
WP No.20261 of 2026

M.Muthuganesan,
S/o.Muthaiya,
No.31, Gandhi Street,
Jayalakshmi Nagar, Netkundram,
Chenna – 600 107.

Petitioner(s)

Vs

1. Central Vigilance Commission,
Satarkta Bhawan, Block A,
GPO Complex, INA,
New Delhi - 110023.
2. The Joint Secretary,
Housing and Urban Development
Department, Secretariat,
Chennai - 09.
3. The Member Secretary,
Chennai Metropolitan Development
Authority, Egmore, Chennai - 08.



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4. Indumathi, B.E., DRO,
Chief Administrative Officer,
Koyambedu Wholesale Market
Complex, Chennai Metropolitan
Development Authority, Chennai.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the third respondent to initiation of departmental disciplinary proceedings against the fourth respondent by considering petitioner's representation dated 19.07.2025.

For Petitioner(s): Mr.M.Venkatesh

For Respondent(s): Mr.K.Srinivasa Murthy,
SPCCG for R1

Mr.Mohammed Fayaz Ali
Government Pleader
for R2

Mr.P.V.Balasubramaniam
Additional Advocate General
assisted by Mrs.P.Veena Suresh
Standing Counsel
for R3 and R4

ORDER

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

Alleging that the fourth respondent is acting in collusion with unlawful groups engaged in "kattapanchayat" activities within the market complex and that such groups have publicly released video



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recordings admitting to illegal eviction and extra-legal enforcement activities, the petitioner sent a representation dated 19.7.2025 to the first respondent. As the said representation is still pending consideration on the file of the third respondent, the petitioner has filed this writ petition seeking issuance of a writ of mandamus directing the third respondent to initiate departmental disciplinary proceedings against the fourth respondent by considering his representation dated 19.07.2025.

2. By virtue of this writ petition, styled as public interest litigation, the petitioner is seeking a direction to the third respondent to initiate departmental disciplinary proceedings against the fourth respondent. It is also not in dispute that the complaint of the petitioner is still pending consideration before the third respondent. Whether to initiate or not to initiate disciplinary proceedings falls within the fiefdom of the disciplinary authority concerned and for that various factors need to be considered. In our considered view, the prayer sought, in effect, pertains to service matter.



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3. The Apex Court in a series of decisions, viz., *Dr.Duryodhan Sahu vs. Jitendra Kumar*¹; *Neetu Vs. State of Punjab*²; *Dattaraj Nathuji Thaware vs. State of Maharashtra*³; *Ayaaubkhan Noorkhan Pathan v. State of Maharashtra and others*⁴; and *Vishal Ashok Thorat and others vs. Rajesh Shripambapu Fate and others*⁵, has consistently held that a service dispute cannot be raised by way of a public interest litigation. It is apposite to reproduce the following observations made by the Supreme Court in *Dattaraj Nathuji Thaware's case* (supra):

*"11. As noted supra, a time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that Courts are flooded with large number of so-called public interest litigations where even a minuscule percentage can legitimately be called as public interest litigations. Though the parameters of public interest litigation have been indicated by this Court in large number of cases, yet unmindful of the real intentions and objectives, Courts are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilized for disposal of genuine cases. **Though in Dr. Duryodhan Sahu case this Court held that in service matters PILs***

1 (1998) 7 SCC 273

2 (2007) 10 SCC 614

3 (2005) 1 SCC 590

4 (2013) 4 SCC 465

5 (2020) 18 SCC 675



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should not be entertained, the inflow of so-called PILs involving service matters continues unabated in the Courts and strangely are entertained. The least the High Courts could do is to throw them out on the basis of the said decision. The other interesting aspect is that in the PILs, official documents are being annexed without even indicating as to how the petitioner came to possess them. In one case, it was noticed that an interesting answer was given as to its possession. It was stated that a packet was lying on the road and when out of curiosity the petitioner opened it, he found copies of the official documents. Apart from the sinister manner, if any, of getting such copies, the real brain or force behind such cases would get exposed to find out the truth and motive behind the petition. Whenever such frivolous pleas, as noted, are taken to explain possession, the Court should do well not only to dismiss the petitions but also to impose exemplary costs. It would be desirable for the Courts to filter out the frivolous petitions and dismiss them with costs as afore-stated so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the Courts.”

[emphasis supplied]

4. In view of the law enunciated by the Apex Court in the aforesaid decisions, it is clear that the present public interest litigation which pertains to service matter is not maintainable.



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5. A perusal of the records shows that the petitioner herein had earlier filed a writ petition, being W.P.No.16903 of 2026, seeking identical relief. The said writ petition by dismissed as withdrawn, without granting any liberty, as is evident from the order dated 30.4.2026.

6. 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 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.*⁶, 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] 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

6 (1987) 1 SCC 5



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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 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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7. In *Avinash Nagra v. Navodaya Vidyalaya Samiti*⁷, 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."

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

⁷ (1997) 2 SCC 534



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For the foregoing reasons, the writ petition is dismissed sans costs.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
11.06.2026

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

1. Central Vigilance Commission,
Satarkta Bhawan, Block A,
GPO Complex, INA,
New Delhi - 110023.
2. The Joint Secretary,
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Department, Secretariat,
Chennai - 09.
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