



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2016

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Petition (MD) No.11641 of 2016

& WMP (MD) Nos.8917 & 8918 of 2016

P.Thangavelu

...Petitioner

-Vs-

1.The Union of India,
Represented by the Post Master General,
Central Region-TN,
Trichirapalli-620 001.

2.The Superintendent of Post Offices,
Karur Division,
Karur.-639 001.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the impugned order of the second respondent vide Memo No.A/196, dated at Karur, dated 23.06.2016 and quash the same as illegal and pass further orders as this Court may deem fit and proper.

For Petitioner	: No appearance
For Respondents	: Mr.G.R.Swaminathan Asst.Solicitor General of India assisted by Mr.A.Ganesan

ORDER

(Order of the Court was delivered by **NOOTY.RAMAMOHANA RAO,J**)

None appears for the petitioner and there is no representation when the name of the petitioner is called.

2. The grievance of the petitioner is that on 23.06.2016, the Department of Posts - India acting through its Superintendent of Post Offices, Karur Division, Karur, ordered for re-location of L.N.Samudram Branch Post Office of Karur Division and such relocation is contrary to the public interest.

3. Today, we got the counter affidavit filed by the Superintendent of Post Offices, Karur Division, Karur, enclosing two judgments one rendered by the Honourable Division Bench of this Court in W.P(MD) No.2131 of 2010 instituted by the very same petitioner and the other rendered in A.S.No.54 of 2010 on the file of the Additional Sub-Court, Karur, confirming the judgment and decree made in civil suit in O.S.No.699 of 2008 on the file of the District Munsif Court, Karur on 22.04.2010, in which the present petitioner has been examined as PW.2 and the suit is also for the relief of permanent injunction restraining the respondent Union of India from re-locating the Branch Post Office of L.N.Samudram, and the said relief was denied by both the Courts below.



4. The affidavit filed in support of the writ petition and sworn to by P.Thangavelu, S/o.Palaniappar, does not make any disclosure that he has approached the Court instituting the previous writ petition and that another individual by name Kamaraj, Councilor of 10th Ward Inam Karur Municipality, who instituted a civil suit in O.S.No.699 of 2008, wherein the present writ petitioner has been examined as PW2 and that the said suit was also dismissed by the civil Court and the judgment has also reached finality on account of dismissal of appeal preferred there against. For the reason of non disclosure of the aforesaid information particularly the institution of writ petition by the very same writ petitioner on previous occasions, we are constrained to say that the writ petitioner is indulging in misuse and abuse of the process of this Court.

5. On the previous occasion while deciding W.P(MD)No.2131 of 2010, the Honourable Division Bench clearly noted that as to where a post office should be located is falling purely outside the realm of judicial review of this Court. Hence, the case does not warrant interference.

6. We are in respectful agreement with the view expressed on the previous occasion by this Court. It is not for us to determine as to where a post office should be located. The choice of establishing the post office vests with the Union of India and it is for them to decide from which location they will be able to serve the general public usefully and more effectively. Establishing a post office is a matter of convenience and it's particular location is predominately a matter of policy undertaken. With the advent of technology and it's multiple usage as it is the usage of the services of the postal department has been greatly reduced. Therefore, prudent measures are called for to augment the revenue and also to effectively curtail the un-warranted and unproductive expenditure. We are therefore of the view that whether the Branch Post Office of L.N.Samudram should be continued at the same location or it should be re-located elsewhere is a matter of policy choice and the Court did not have any role to interfere with the same.

7. For all the over mentioned reasons there are no merits in the writ petition and accordingly it is dismissed. No costs. Consequently, connected Miscellaneous petitions are also dismissed.

Sd/

Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

TO

1.The Post Master General,Union of India,

Central Region-TN,Trichirapalli-620 001.

2.The Superintendent of Post Offices,Karur Division, Karur.-639 001.

+1cc to M/S.A.Ganesan, Advocate in SR.No.37179

Writ petition (MD) No.11641 of 2016

14.07.2016

gsr

PA/GSV-PM/SAR.II/25.07.2016/2P/4C