



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.1701 of 2016

and

W.M.P (MD) No.1457 and 1458 of 2016

P.Mary

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Chief Secretary,
Fort St., George,
Chennai 9.

2.The Director General of Police,
Chennai 9.

3.The District Collector,
Ramanathapuram at
Ramanathapuram.

4.The Superintendent of Police,
Ramanathapuram at
Ramanathapuram.

5.The Parish Priest cum the Organiser of
Katchatheevu Pilgrimage, Verkodu,
Rameswaram,
Ramanathapuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to receive the applications for pilgrimage trip to Katchatheevu from the Government Servants under the State of Tamil Nadu without the production of No Objection Certificate from the concerned Head of the Department and allow the Government Servants to participate the Church Festival namely St.Antony's Church at Katchatheevu scheduled to be held on 20.02.2016 and 21.02.2016.

For Petitioner

: Mr.S.Xavier Rajini

For Respondents 1-4

: Mr.N.Manoharan,

Special Government Pleader.

ORDER

(Order of the Court was made by **V.RAMASUBRAMANIAN, J.**)

The petitioner has come up with the above writ petition purportedly in public interest seeking a mandamus to direct the respondents to receive applications for pilgrimage trip to Katchatheevu, without insisting upon no objection certificates in respect of Government servants.



2. Heard Mr. S. Xavier Rajini, learned counsel for the petitioner. Mr. N. Manoharan, learned Special Government Pleader takes notice for the respondents 1 to 4.

3. The case of the petitioner is that there is a very famous church known as St., Antony's Church in Katchatheevu. Due to the sentimental attachment and devotion that the local Christian population have over the said church, people go and worship in the Church at Katchatheevu during a particular period every year. According to the petitioner, neither a passport is required nor any travel document is insisted upon, for travel to Katchatheevu especially on the occasion of the Church festival.

4. The grievance of the petitioner is that insofar as the Government servants are concerned, they are compelled to take no objection certificate to travel. But the applications are not processed in time making it impossible for the Government servants to undertake the pilgrimage. Therefore, she has come up with the above writ petition in public interest seeking a mandamus.

5. At the outset, the petitioner is not a Government servant. Therefore, she cannot maintain the above writ petition on behalf of the Government servants who allegedly face such a difficulty.

6. In any case, no Government servant can undertake a travel, to any place beyond the territories of India without a no objection certificate. The Government Servants Conduct Rules hold the field. Therefore, a mandamus, directing the Government to ignore a statutory rule issued in terms of the proviso to Article 309 of the Constitution of India, cannot be issued. The mandamus jurisdiction is only to direct the respondents to perform their statutory duties and it cannot be vice versa. The petitioner has pitched her claim on the basis of a newspaper report. It is upto the Government to regulate procedure relating to the grant of no objection certificates so that the Government servants who can be granted no objection certificates depending upon the sensitivity of the jobs they are performing, can have their applications processed on time.

7. With the above observation, the writ petition is dismissed. No costs. Consequently, W.M.P(MD) Nos. 1457 and 1458 of 2016 are closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The Chief Secretary,
State of Tamil Nadu,
Fort St., George,
Chennai 9.



2. The Director General of Police,
Chennai 9.

3. The District Collector,
Ramanathapuram at
Ramanathapuram.

4. The Superintendent of Police,
Ramanathapuram at
Ramanathapuram.

+1 CC to the Special Government Pleader , SR No.4952

+1 CC to Mr.Xavier Rajini, Advocate, SR No.5152

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sms

SH/SKS-RR:09.02.2016:3P/7C