



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2016

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.24074 of 2016

K.Gunasekaran

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The District Revenue Officer,
Madurai District.

3.The Revenue Divisional Officer,
Madurai.

4.The Tahsildar,
Madurai South Taluk,
Madurai.

5.S.Selvaraj,
The Tahsildar
Now Working at
Madurai North Taluk,
Madurai.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 herein to take appropriate department disciplinary action against the 5th respondent for his false report made against the petitioner in his letter in Na.Ka.No.14752/2007/C dated 03.08.2015 addressed to the 2nd respondent.

For Petitioner : Mr.A.Saravanan
For Respondents : Mr.S.Sathish Kumar
Additional Government Pleader

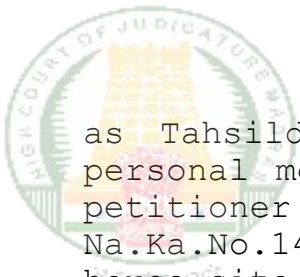
O R D E R

This Writ petition has been filed to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate departmental action against the 5th respondent for his false report made against the petitioner in his letter in Na.Ka.No.14752/2007/C, dated 03.08.2015.

2.Mr.S.Sathish Kumar, learned Special Government Pleader takes notice for the respondents. By consent the Writ petition itself is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

3.According to the petitioner, while the 5th respondent was serving



as Tahsildar in the office of the 4th respondent, due to some personal motive, a false allegation has been concocted against the petitioner and thereby, the impugned proceedings dated 03.08.2015 in Na.Ka.No.14752/2007/C was issued imposing cost for allotment of free house site land in favour of the petitioner's first wife.

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4.The case of the petitioner is that the 5th respondent, in order to usurp the lands, which were allotted as free house site lands to the beneficiaries, has submitted false allegations against the beneficiaries to the higher authorities.The further case of the petitioner is that without verifying any records, the 5th respondent has made false allegations against the petitioner also. Hence, the petitioner has made a representation on 05.04.2016 to the 1st respondent for taking necessary action against the 5th respondent and the same was forwarded to the 3rd respondent for further action.Based on which, the petitioner was called for enquiry on 21.11.2016 and accordingly, the petitioner appeared before the 3rd respondent and submitted his statement.Since no action has been taken thereafter, the petitioner has filed the present Writ petition.

5.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4.

6.Admittedly, the petitioner has made allegations as against the 5th respondent stating that the 5th respondent without verifying the records has sent a report against the petitioner as if the petitioner is having property.It is seen that based on the representation of the petitioner, the 1st respondent has directed the 3rd respondent for taking further action and the 3rd respondent has also conducted enquiry and the petitioner submitted his statement.If at all the petitioner is aggrieved, he can very well file an appeal before the Appellate Authority. Without availing the same, straightaway the petitioner is not entitled to file a Writ petition under Article 227 of the Constitution of India. Accordingly, this Writ petition is dismissed. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Madurai District.

2.The District Revenue Officer,
<https://hcservices.ecourts.gov.in/hcservices/>
Madurai District.



3.The Revenue Divisional Officer,
Madurai.

4.The Tahsildar,
Madurai South Taluk,
Madurai.

+1 cc to Mr. A.SRAVANAN,ADVOCATE, SR NO.81677

+1 CC to Special Government Pleader, Sr No.81600

nbj

MAS/PM-JN:30.01.2017:3P-7C

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