

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.7602 of 2019

Sagunthala

...Petitioner

Vs

1. The District Collector,
Collector Office, Vellore District.
2. The Additional Director of Panchayat
(Village Panchayat),
Collector Office, Vellore District.
3. The Block Development Officer,
Pernambut Panchayat Union,
Vellore District.
4. R.Purushothaman,
The Secretary, Kothur Village,
Panchayat Office,
Pernambut Taluk,
Vellore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to consider and pass order of the petitioner's representation dated 15.09.2018 with regard to cheat a sum of Rs.8,00,000/- (Rupees Eight lakhs only) from the petitioner by the 4th respondent.

For Petitioner : Mr.P.S.Jayakumar
For Mr.P.Murugaian

For Respondents
No.1 & 2 : Mr.R.S.Selvam, Govt. Advocate
Mr. I.Sathish for R3

O R D E R

The relief sought for in the present writ petition is for a direction to direct the 3rd respondent to consider and pass order of the petitioner's representation dated 15.09.2018 with regard to the cheating of the writ petitioner for a sum of Rs.8,00,000/- (Rupees Eight lakhs only) by the 4th respondent.

2. The learned counsel appearing on behalf of the writ petitioner states that, the writ petitioner has entered in to a chit transaction under the provisions of the Chit Fund Act, which is to be dealt with under the provisions of the Chit Fund Act. The 4th respondent who was conducted a chit, cheated the writ petitioner and not paid the amount collected from the writ petitioner.

3. In this regard, the writ petitioner filed a Police complaint which is registered and investigations are in progress. The learned counsel for the writ petitioner states that, beyond the criminal complaint, the writ petitioner submitted a representation to the District Collector to initiate the disciplinary action against the 4th respondent and the said representation is kept pending. Therefore, the writ petitioner is constrained to file the present writ petition, seeking a direction to dispose of the representation.

4. The "dispose of the representation" mantra is increasingly permeating the judicial process in the High Courts and the Tribunals. Such orders may make for a quick or easy disposal of cases in overburdened adjudicatory institutions. But, they do no service to the cause of justice. The litigant is back again before the Court, as this case shows, having incurred attendant costs and suffered delays of the legal process. This would have been obviated by calling for a counter in the first instance, thereby resulting in finality to the dispute. Thus, merely issuing a direction to consider the representation would not serve the purpose and the litigants are again throw back to the Court for further relief or for any other consequential relief. Thus, the issues are to be adjudicated in writ petitions in order to give focus to the issues.

5. Under these circumstances, in the present case on hand, the writ petitioner had already lodged a Police complaint which is registered and the investigations are in progress. Though the learned counsel for the writ petitioner states that it is not in progress, the same is to be redressed through the appropriate proceedings.

6. However, the present writ petition need not be entertained in view of the fact that, already a criminal case is

registered against the 4th respondent and the District Collector is also informed about the registration of the criminal cases against the 4th respondent, It is for the Competent Authority to initiate all suitable actions with reference to the allegations or in the manner known to law. Contrarily, this Court cannot issue a direction to consider the representation.

7. Under these circumstances, the writ petitioner is at liberty to pursue all his remedies in the manner known to law and the relief as such sought for in the present writ petition to direct the respondents to consider the representation cannot be issued. This view of the matter, the writ petition stands dismissed. No Costs.

Pkn

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
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Vellore District.
4. R.Purushothaman,
The Secretary, Kothur Village,
Panchayat Office,
Pernambut Taluk,
Vellore District.

+1cc to Mr.P.S.Jayakumar, Advocate, SR.No.26052
+1cc to Mr.I.Sathish, Advocate, SR.No.26456
+1cc to Mr.P.Murugaian, Advocate, SR.No.26051
+1cc to the Govt.Pleader, Vide Sr.No.26317

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Kak (08/05/2019)