

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26-04-2019

CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11185 of 2018

M.Manoharan

.. Petitioner

..Vs..

- 1.The Chief Secretary,
Government of Tamil Nadu,
Fort Saint George,
Secretariat,
Chennai-600 009.
- 2.The Vigilance Commissioner,
Government of Tamil Nadu,
Fort Saint George,
Secretariat,
Chennai-600 009.
- 3.The Principal Secretary to Government,
Revenue Department,
Fort Saint George,
Secretariat,
Chennai-600 009.
- 4.The Principal Secretary to Government,
Home Department,
Fort Saint George,
Secretariat,
Chennai-600 009.
- 5.The Principal Secretary/Commissioner of Revenue
Administration,
Ezhilagam,
Chepauk,
Chennai-600 005.
- 6.The District Collector,
Collectorate,
Nagapattinam District,
Nagapattinam-611 003.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first and second respondents to take action and dispose the Petitioner Final Representation dated 27.3.2017

pending before the first and second respondents for the past one year and to implement the Hon'ble High Court Orders in WP No.22402 of 2011 dated 21.2.2012, Contempt Petition No.724 of 2013 dated 31.10.2013 and WP No.44173 of 2016 dated 2.1.2017.

For Petitioner : Ms.D.Malarvizhi

For Respondents: Mr.A.N.Thambidurai,
Special Government Pleader.

O R D E R

The relief sought for in the present writ petition is for a direction to direct the first and second respondents to take action and dispose the Writ Petitioner's Final Representation dated 27.3.2017 pending before the first and second respondents for the past one year and to implement the Hon'ble High Court Orders in WP No.22402 of 2011 dated 21.2.2012, Contempt Petition No.724 of 2013 dated 31.10.2013 and WP No.44173 of 2016 dated 2.1.2017 respectively.

2. The relief sought for in the present writ petition is absolutely misconceived. The writ petitioner wants to implement the orders of this Court passed in WP No.22402 of 2011 dated 21.2.2012, Contempt Petition No.724 of 2013 dated 31.10.2013 and WP No.44173 of 2016 dated 2.1.2017 respectively. Such a relief by way of a writ petition cannot be granted. The writ petitioner cannot submit a representation to the authorities for the purpose of implementing the orders of this Court and thereby undermining the authorities of the High Court and by seeking such a prayer, the writ petitioner himself is undermining the authorities of the High Court under Article 226 of the Constitution of India.

3. Thus, such a nature of the prayer can never be entertained and if at all the order of the High Court is not implemented by the competent authorities, the said inactions are to be dealt with appropriately by way of filing appropriate proceedings.

4. Contrarily, the writ petitioner cannot request the competent authorities to implement the High Court's order nor the High Court can issue or request the competent authorities to implement the order. Such courses are not only misappropriated but unconstitutional and unheard of. Therefore, the prayer, as such, sought for is absolutely improper and the writ petitioner cannot sought for a direction to dispose of the representation in order to implement the orders of this Court.

5. 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.

6. The learned counsel for the writ petitioner states that the writ petitioner has filed more than 50 cases before the High Court. Still she says that she is unable to redress her remedy. It is most unfortunate that such litigations are filed, which all are to be construed as vexatious trial and the Government employees are bound to redress their grievances by appropriately filing the writ petition and not filing such a writ petition, seeking a direction to implement the orders of this Court passed during the year 2012.

7. This being the factum of the case, the writ petitioner is at liberty to redress his grievances in the manner known to law. However, the relief sought for in the present writ petition cannot be granted and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Chief Secretary,
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Chennai-600 009.

2.The Vigilance Commissioner,
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Fort Saint George,
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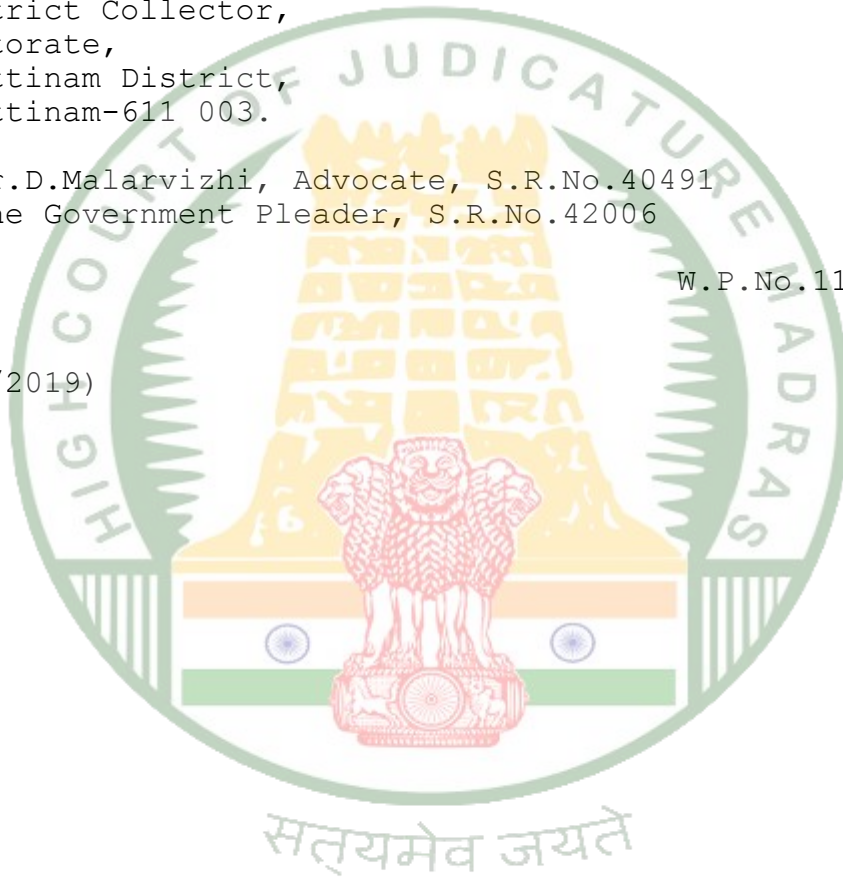
6.The District Collector,
Collectorate,
Nagapattinam District,
Nagapattinam-611 003.

+1cc to Mr.D.Malarvizhi, Advocate, S.R.No.40491
+1cc to the Government Pleader, S.R.No.42006

W.P.No.11185 of 2018

KJ(CO)

RRS (20/06/2019)



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