

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.13791 of 2020

B.Marimuthu

... Petitioner

-Vs-

- 1 The Director of Town Panchayats
Tamilnadu Town Panchayats office Raja
Annamalaipuram chennai 28
- 2 Vijaya
The Executive Officer Desur Town Panchayat
office Desur and post Vandavasi taluk
Thiruvannamalai District
- 3 Ramachandran, Sanitary Supervisor
Desur Town Panchayat Office
Desur and post, Vandavasi Taluk
Thiruvannamalai District
- 4 Samundeeswari ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to take departmental action against the respondent 2 and 3 for the dereliction of their official duty on the basis of the petitioner's complaint dated 25.07.2020.

For Petitioner : Mr.C.M.Sekar

For Respondents : Mr.V.Kathirvelu, Special Government
Pleader
- for RR 1 to 3

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O R D E R

The matter was taken up through Web-hearing.

2. The grievance of the petitioner in this writ petition is that the second and third respondents have not discharged their duties as Panchayat Servants in removing the garbage and encroachment due to the illegal dumping of garbage by the fourth

respondent. According to him, despite his written complaint, no action has been initiated in either removing the encroachment or clearing the garbage dumped by the fourth respondent. Therefore, he is before this Court to direct the first respondent to take action against the 2nd and 3rd respondents.

3. This Court is not inclined to entertain this Writ Petition for the simple reason that a private dispute between the petitioner and the fourth respondent cannot be a subject matter of adjudication in the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. This Court's Constitutional power cannot be used in settlement of private dispute between the petitioner and the fourth respondent and in case he has any issues with the fourth respondent, it is upto him to work out his remedy elsewhere. On the basis of the petitioner's self serving averments, no direction could be issued to take action against the State Authorities. In any case, this Court finds that the writ petition is lacking in bonafides and cannot be entertained at all.

4. The Writ Petition is therefore dismissed as being devoid of merits and substance. No costs.

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

KST
To

1. The Director of Town Panchayats,
Tamilnadu Town Panchayats office,
Raja Annamalaipuram, Chennai 28.
2. The Executive Officer, Desur Town,
Panchayat Office Desur and post, Vandavasi taluk,
Thiruvannamalai District.
3. The Sanitary Supervisor, Desur Town Panchayat Office,
Desur and Post, Vandavasi Taluk, Tiruvannamalai District.

+1cc to M/s.C.M.Sekar, Advocate Sr.32294

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srg 02/12/2020