

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.16392 of 2020

P.Mala,

...Petitioner

Vs

1. The Executive Officer,
Perukalathur Town Panchayat,
Chennai-600 063

2. The President,
Perunkalathur Town Panchayat,
Chennai- 600 063

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the 1st respondent to issue the copy of the Resolution dated 07.10.2020 in proceedings bearing No.Na.Ka.No.468/2009 based on the petitioner's representation dated 17.10.2020.

For Petitioner : Mr.R.Ragavendran

For Respondents : Mr.Jayaprakash
Government Pleader

ORDER

This Writ Petition has been filed for the issue of a writ of mandamus directing the 1st respondent to issue a copy of the Resolution dated 07.10.2020 that is said to have been passed by the 2nd respondent based on the representation made by the petitioner on 17.10.2020.

2.The petitioner has already approached this Court earlier by filing W.P.Nos.18809 of 2019 and 14981 of 2020. On both those occasions, this Court had dismissed the writ petitions and had directed the petitioner to work out her remedy before the competent Civil Court. As on today, the petitioner and her husband have also filed a suit in O.S.No.44 of 2020 before the District Munsif Court, Tamabaram. This suit is pending. In the mean time, the petitioner has filed the present writ petition seeking for a copy of some Resolution that is said to have been passed by the respondent.

3.Heard Mr.Jayaprakash, learned Government Pleader for respondent.

4.In the considered view of this Court, a writ petition can never be entertained for the purpose of securing a document for any party. A constitutional remedy should not stoop down to the level of an authority under the Right to Information Act. If the petitioner wants a copy of any Resolution, it is always left open to the petitioner to seek a copy of the same under the relevant enactment. Infact there are sufficient provisions in the Code of Civil Procedure where the petitioner can also summon such Resolution before the Court by filing an appropriate application. Therefore, when there are other sufficient alternative remedies available, the petitioner cannot be allowed to waste the time of this Court by filing a writ petition and seek for an unsustainable relief.

5.This Writ Petition is accordingly dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Executive Officer,
Perukalathur Town Panchayat,
Chennai-600 063
2. The President,
Perunkalathur Town Panchayat,
Chennai- 600 063.

+1cc to M/s.R.Ragavendran, Advocate in SR.NO..37816

W.P.No.16392 of 2020

VG-II (CO)
RV(23/12/2020)

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