



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.10514 of 2014

P.Solai

... Petitioner

Vs.

- 1.The Commissioner,
Municipal Administration,
6th Floor, Ezhizhaham,
Chepauk,
Chennai - 600 005.
- 2.The Regional Director,
Office of Municipal Regional Administration Director,
Gandhiji Road,
Thanjavur - 613 001.
- 3.The Commissioner,
Thanjavur Municipality,
Thanjavur.
- 4.Kaliaperumal
Mastery,
Karanthattankudi 1st Division,
Thanjavur Municipality,
Thanjavur.
- 5.Thomas Bernarshaw,
Sanitary Inspector,
1st Division, Karanthattankudi
Thanjavur Municipality,
Thanjavur.
6. Saravanna,
1st Division, Karanthattankudi
Thanjavur Municipality,
Thanjavur.

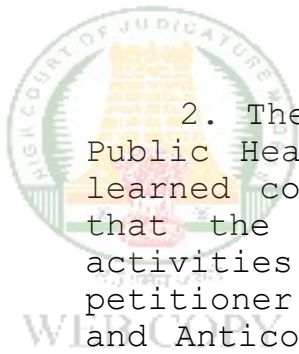
... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to consider the petitioner's representation, dated 01.01.2014 and to initiate necessary legal proceedings against the respondents 4 to 6.

For Petitioner : Mr.P.Sesubalan Raja
For Respondents : Mr.P.Mahendran
(R1 to R3) Addl.Govt.Pleader
For Respondents : Mr.M.Govindan
(R4 & R6)
For Respondent-5 : No Appearance

O R D E R

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to consider the representation submitted by the writ petitioner on 01.01.2014.



2. The petitioner is the District President of Indian National Public Health and General Employees Organization, Thanjavur. The learned counsel appearing on behalf of the writ petitioner states that the respondents 4 to 6 are committed certain fraudulent activities and more specifically forgery of documents. The petitioner made several complaints to the Department of Vigilance and Anticorruption and no action was taken and the said complaint was forwarded to the 1st respondent Commissioner, Municipal Administration. The learned counsel for the petitioner states that no action has been taken by any of the respondents.

3. The learned Additional Government Pleader appearing for the respondents made a submission that the Writ Petition itself is a motivated petition and in fact, the communication, dated 27.03.2014 was between the Director Vigilance and Anti corruption and the Commissioner of Municipal Administration. The complaint is not supported by any materials or documents and therefore, the Department of Vigilance and Anti corruption forwarded the complaint of the petitioner to the Director for further action. The Director also has not taken any action. The petitioner is also unable to furnish any proof for any such fraudulent activities.

4. Blanket statements regarding the allegation of forgery are insufficient. A person, who has chosen to file a private complaint, to enclose the copies of documents to establish the allegations. In the present day, allegations can be put forth against any public officials by any person. However, such allegations must be substantiated along with proof or documents. Mere allegation would be insufficient to institute further action. In the event of encouraging such writ petition would lead to disaster consequences and the public servants cannot perform their duties and responsibilities peacefully. Certain private affairs or personal vengeance also may be the reason for such complaints. However, the nature of the allegations are substantiated by the person, who given a complaint against the public servant.

5. In the present case, the petitioner has given a complaint stating that some fraudulent activities were committed. However, there is no document to establish the allegations set out in the representation. Thus, this Court is unable to consider the writ petition for grant of relief as such prayed for. Thus, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (Cr1.side)

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Sub Assistant Registrar(CS)



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2.The Regional Director,
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3.The Commissioner,
Thanjavur Municipality,
Thanjavur.

+1 CC to M/s.SPL GP (SR-21455[F] dated 06/11/2020)

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