



WEB COPY

W.P.(MD) No.866 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.866 of 2021

and

W.M.P (MD) Nos.719 and 720 of 2021

P.Sivakumar

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Revenue Department,
Fort St.George,
Chennai-600 009.

2.Additional Chief Secretary/
Commissioner of Revenue Administration,
Ehilagam, Chepauk,
Chennai-600 005.

3.The District Collector,
Collectorate,
Ramanathapuram District,
Ramanathapuram
Ramanathapuram Post & District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the second respondent in Lr.No.Ser.3(3)/42324/2013 dated 04.12.2020 and quash the same in so far as para 5(c) of the letter is concerned and consequently forbear the respondents from reverting the Promotee Non Graduate Assistants to accommodate Promotee Graduates Assistants while assigning placement in the Deputy Tahsildar panel and Tashildar Panel coming under the Tamil Nadu Revenue Subordinate Service while implementing the decision of the Hon'ble Supreme Court dated 12.03.2019 in C.A.Nos.251-256 of 2015.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.P.Mahendran
Additional Government Pleader



O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The impugned letter is a communication from the Commissioner of Revenue Administration to the District Collectors, whereby the Collectors were called upon to implement the verdict of the Hon'ble Apex Court, dated 12.03.2019 and the circulars issued on 29.06.2019 and 31.10.2019. The petitioner has challenged this inter-departmental communication, copy of which, was not officially served on the petitioner. It is also not stated in the affidavit as to how the petitioner came to be in possession of the copy of this inter-departmental communication. Even otherwise, no cause of action has arisen to the petitioner pursuant to the impugned letter, which issues directions only to the Collectors to implement the order of the Hon'ble Apex Court. As such, the writ petition itself is premature, since the cause of action is yet to arise.

3.It is disappointing to note that such inter-departmental communications are being accessed by the employees and brought under challenge before this Court, which practice is totally unlawful and condemnable. This may also amount to interfering with the internal administration and smooth functioning of the various Government Departments.

4.In view of the above findings, no indulgence can be shown to the various grounds raised by the petitioner, since the prayer in the writ petition is premature and based on apprehensions. Hence, the Writ Petition stands dismissed with a cost of Rs.10,000/- payable to the Hon'ble Chief Justice's Relief Fund, Madras High Court, within a period of 30 days from the receipt of this order. No cost. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Revenue Department, Fort St.George,
Chennai-600 009.
- 2.The Additional Chief Secretary/
Commissioner of Revenue Administration,
Ehilagam, Chepauk, Chennai-600 005.
- 3.The District Collector,
Collectorate,
Ramanathapuram District,
Ramanathapuram
Ramanathapuram Post & District.

COPY TO

The Section Officer,
Accounts/Bills Section,
Madurai Bench of Madras High Court,
Madurai.
(Chief Justice's Relief Fund)

+1 CC to SPL GP (SR-1862[F] dated 22/01/2021)

+1 CC to Mr.M.SARAVANA KUMAR, Advocate (SR-2071[F]dated
25/01/2021)

Order made in
W.P. (MD) No.866 of 2021
21.01.2021

VB (18.02.2021) 3P 7C