



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.10625 of 2021

Sathish Kumar

... Petitioner

Vs.

- 1.The District Collector
District Collector Office,
Ramanathapuram,
Ramanathapuram District.
- 2.The District Revenue Officer,
District Collector Office Campus,
Ramanathapuram,
Ramanathapuram District.
- 3.The District Treasury Officer,
District Collector Office Campus,
Ramanathapuram,
Ramanathapuram District.
- 4.The Accountant General,
Accountant General Office,
No.361, Anna Salai,
Chennai-600 018.

5.Mr.Dasaratharaman

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 & 2 to initiate Disciplinary Action as against the fifth respondent by considering the petitioner's representations, dated 10.03.2021 and 14.06.2021 within a stipulated time.

For Petitioner : Mr.R.Karunanidhi
For R1 to R3 : Mr.P.Subbaraj
Government Advocate
For R4 : Mr.P.Gunasekaran
For R5 : Mr.V.R.Shanmuganathan

ORDER

The present writ petition is filed for a direction to the respondents 1 & 2 to initiate disciplinary action as against the fifth respondent by considering the petitioner's representations, dated 10.03.2021 and 14.06.2021, within a stipulated time.

2. According to the petitioner, his father was a member of
<https://hcservices.ecourts.gov.in/hcservices/>



Ramanathapuram Veetu Vasathi Kudiyuruppu Urimaiyalarkal Nala Sangam (Housing Board House Owners Welfare Association). In the year 1988, the Association started Primary School and now, it is upgraded as Higher Secondary School. The Association has also constructed a Temple and is maintaining the same. The petitioner's father has contributed various things to the Association. The petitioner's father died on 27.04.2008. According to the petitioner, after 2008, there was no proper election and no meeting was held in the Association. While so, the office bearers of the Association, including the fifth respondent forged the signature of the members and created a document, as if General Council meeting was held on 25.07.2010 and passed resolution. The petitioner also made various allegations against the office bearers, including the fifth respondent for misappropriation of the funds of the Association. The petitioner lodged a complaint to the Inspector of Police, Bazaar Police Station, Ramanathapuram and based on the complaint, a case was registered in Cr.No.348 of 2020 for the offences under Sections 468, 471, 406 and 420 of IPC.

3. Learned counsel appearing for the petitioner submitted that the petitioner has given representation on 14.06.2021 to the first respondent to take disciplinary action against the fifth respondent. The first respondent did not pass any orders on the representation and hence, the petitioner has come out with the present writ petition.

4. Mr.P.Subbaraj, learned Government Advocate appearing for the respondents 1 to 3 submitted that on receipt of representation of the petitioner, dated 14.06.2021, the first respondent had issued a notice, dated 21.06.2021 to the fifth respondent and the fifth respondent has also given his explanation on 23.06.2021 to the first respondent. The first respondent will pass orders considering his explanation. In view of the action taken by the first respondent, nothing survives for adjudication and hence, prayed for dismissal of the writ petition.

5. Learned counsel appearing for the fifth respondent submitted that all the allegations made by the petitioner in the affidavit are false and are nothing to do with his official duty. The fifth respondent has filed O.S.No.49 of 2020 on the file of the Sub-Court, Ramanathapuram, for defamation against the petitioner and others. The learned counsel for the fifth respondent has also produced a letter of the fifth respondent, dated 11.05.2019, resigning from the Executive Committee. The learned counsel for the fifth respondent also submitted that the first respondent issued notice to the fifth respondent on 21.06.2021 and the fifth respondent has submitted the explanation to the first respondent. The learned counsel for the fifth respondent referred to the notice of the first respondent and explanation to the said notice, which are filed through the typed set of papers and submitted that all the allegations made by the petitioner, are nothing to do with his official duty. The fifth respondent is going to retire on 30.06.2021. In order to prevent him



retiring from service, the petitioner has come out with the present writ petition and prayed for dismissal of the writ petition.

6. Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the respondents 1 to 3 and the learned counsels appearing for the respondents 4 & 5 and perused the materials available on record.

7. From the above rival submissions, it is seen that the petitioner has come out with the present writ petition alleging that the first respondent has not taken any action on his representation, dated 14.06.2021. The learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel appearing for the fifth respondent submitted that the first respondent has already taken action by issuing notice, dated 21.06.2021 to the fifth respondent. The fifth respondent has also submitted his explanation on 23.06.2021. To substantiate the said submission, the copies of notice and explanation given by the fifth respondent are filed in the typed set of papers. As rightly submitted by the learned Government Advocate that since the first respondent has already taken action on the representation of the petitioner, the relief sought for by the petitioner, has already been redressed by the first respondent and hence, the writ petition is liable to be dismissed and the same is hereby dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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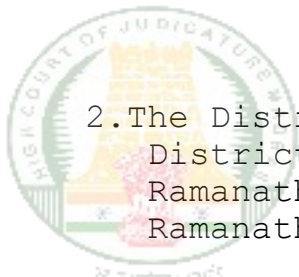
Note :

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

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<https://hcservices.ecourts.gov.in/hcservices/>



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+1 CC to M/s.SPL GP (SR-20750[F] dated 30/06/2021)

W.P. (MD) No.10625 of 2021
29.06.2021

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KK(09.07.2021) 4P 5C