



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.20264 of 2021

R.Ukesh

... Petitioner

versus

1. The Deputy Superintendent of Police,
The Office of the Deputy Superintendent of Police,
Srivilliputtur,
Srivilliputtur - 626 125.
2. The Director General of Police,
Tamil Nadu Police,
Dr.Radhakrishnan Salai Road,
Chennai - 600 004.
3. The Secretary,
Home Department,
Fort St. George,
Chennai - 600 009.
4. Mr.Balaji,
Inspector of Police,
Watrap Police Station,
Krishnan Kovil,
Virudhunagar District-626786.

... Respondents

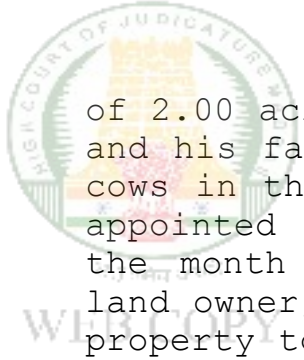
Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 1 to 3 to initiate departmental action against the fourth respondent based on the representation dated 26.10.2021 sent by the petitioner.

For Petitioner	:	Mr.Pa.Sai Govindaraja
For R1 to R3	:	Mr.A.K.Manickam
		Government Advocate

ORDER

The writ petition is filed for a mandamus, directing the respondents 1 to 3 to initiate departmental action such as disciplinary action against the fourth respondent based on the petitioner's representation dated 26.10.2021.

2. The petitioner's mother owned a farmland property comprised in S.F.No.889/1, 891/1A1, 891/2B1A of Maharajapuram Village, Srivilliputtur Taluk, Virudhunagr District to an extent



of 2.00 acres and other properties situated nearby. The petitioner and his family members have been running a shelter and clinic for cows in the above said farmland property and one Arumugamsamy was appointed as a Manager to administer the same. While so, during the month of January 2019, one Vellaisamy, who is the adjacent land owner, approached them and requested to sell a portion of the property to form a pathway facility to his property, but, the same was denied by the petitioner's family. Therefore, the said Vellaisamy along with his son one Ganesh Perumal and their henchmen, on 05.09.2021, trespassed into the said farmland property and demolished the iron-wire fencing and boundary stones by using dangerous weapons and cutter. In this regard, a complaint has been lodged with Watrap Police Station, Virudhunagar as against the said Vellaisamy and others, who in turn, filed anticipatory bail petition before the District Court, Srivilliputtur and the same was allowed on 21.09.2021. Thereafter, on 12.10.2021, the said Vellaisamy had induced certain unknown persons to demolish the above said iron-wire fencing and boundary stones in the said farmland property and the said unknown persons damaged the iron-wire fencing and took away the boundary stones. Immediately, a complaint has been lodged by the Manager with Watrap Police Station, Virudhunagar, on 13.10.2021. On issuance of summons by the fourth respondent, the petitioner appeared before the fourth respondent for investigation. During the investigation, the fourth respondent has acted in favour of the said Vellaisamy and directed the petitioner to produce the documents to prove their claims regarding the above said farmland property. Therefore, the petitioner made a representation dated 26.10.2021 to the respondents 1 to 3 to initiate departmental proceedings against the fourth respondent.

3. In a similar issue, this Court, vide order dated 13.07.2020, in W.P.(MD)No.7525 of 2020, has passed the following order:

"6. Be that as it may, this Court is wondering in hearing a writ petition like this as this is the Court where service disputes are being redress under Article 226 of the Constitution of India, which is an extraordinary jurisdiction conferred in this Court.

7. What is service dispute has already been decided by the Court of law where if there is any service dispute arise between the employee and employer and even the service dispute may start from the stage of recruitment or appointment of employee or staff to the Government, Government Organizations, Quasi Governmental Organizations, Statutory Bodies etc., they can be considered as service disputes.

8. Here in the case on hand, admittedly the dispute is between the petitioner and the fourth respondent, it is not related to any service dispute of



the petitioner as the petitioner has not projected any service dispute of him to redress such grievance before this Court.

9. The learned counsel appearing for the petitioner would canvass before this Court that, since the fourth respondent allegedly misused his official position, anybody can set the law in motion to take disciplinary action against the fourth respondent.

10. I am afraid to have such a proposition before this Court, which is a Writ Court dealing adversary writ petitions relating to service disputes under Article 226 of the Constitution of India, where neither public interest litigation nor non-service dispute can be entertained.

11. If at all the petitioner has got any grievance against the fourth respondent that there has been a dispute between the petitioner and the wife of the fourth respondent with regard to money transaction and for recovery of money, the petitioner can adopt the legal means for recovery of money. If there is any criminal case, which according to the petitioner, was wrongly registered against the petitioner or his family members still the petitioner has got remedy under law to rectify his grievance. If at all the petitioner has got any grievance that his complaint against the fourth respondent to register a criminal case has not been entertained by the authorities of the Police Department, still the petitioner has got legal remedy to avail.

12. For all these grievances as have been projected by the learned counsel appearing for the petitioner, the petitioner has got legal remedy, which definitely not by way of a writ petition as if it is a service dispute before this Court.

13. Therefore, I have no hesitation to hold that this writ petition is not at all maintainable."

4. Similarly, in W.P.No.19282 of 2020, this Court, vide order dated 17.12.2020, has passed the following order:

"5. This Court is unable to appreciate as to how at the instance of the petitioner, such blanket direction could be issued to the authorities to take action against another Government official. This Court's constitutional jurisdiction cannot be used to settle personal fight between the petitioner and the fourth respondent. Whatever be the difficulties as between the petitioner and the fourth respondent in discharge of their respective duties while managing the Primary Health Centre, such dispute cannot be a subject



matter of litigation before this Court.

6. In any case, on the basis of self serving averments of the petitioner, no direction could be issued by this Court as that would only help the petitioner to advance her personal agenda against the fourth respondent. These kind of writ petitions are always motivated and intended to achieve a collateral purpose and this Court's jurisdiction cannot be used for such illegitimate purpose.

7. In view of the above, the present writ petition deserves to be dismissed and hence, dismissed. ..."

5. In view of the orders passed by this Court as cited above, this Court is not inclined to entertain this writ petition. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (Crl)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ogy

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 Deputy Superintendent of Police,
The Office of the Deputy Superintendent of Police,
Srivilliputtur, Srivilliputtur - 626 125.
2. The Director General of Police,
Tamil Nadu Police,
Dr.Radhakrishnan Salai Road,
Chennai - 600 004.
3. The Secretary,
Home Department,
Fort St. George, Chennai - 600 009.

+1 CC to M/s.SPL.GP (SR-34284[F] dated 12/11/2021)

W.P(MD)No.20264 of 2021

11.11.2021