



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2021

CORAM :

WEB COPY

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.20420 of 2021

Grinivasaprasath

Petitioner

Vs.

1.The Home Secretary,
Secretariat,
Fort.St.George,
Chennai - 600 009.

2.The Director General of Police,
Chennai.

3.The Superintendent of Police,
Kanniyakumari District.

4.Mr.Sundharamoorthy,
The Sub-Inspector of Police,
Eraniel Police Station,
Kanniyakumari District.

5.Mr.Jeyaprakash

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take departmental action against the respondents 4 & 5 by considering the petitioner's representation dated 28.04.2021.

For Petitioner :Mr.S.Ramasamy

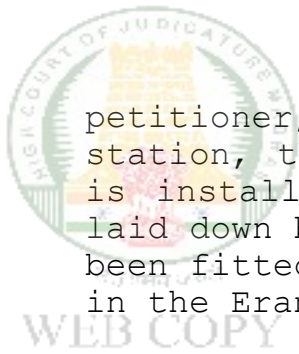
For R1 to R3 :Mr.V.Nirmal Kumar

Additional Government Pleader

O R D E R

This Writ Petition is filed seeking Writ of Mandamus, directing the respondents 1 to 3 to take departmental action against the respondents 4&5, by considering his representation dated, 28.04.2021.

2.The grievance of the petitioner is that the incident was taken place on 20.04.2021, wherein, six named and four unnamed persons abused and assaulted the petitioner and snatched away a sum of Rs.50,000/-from him. According to the learned counsel for the



petitioner, since the occurrence took place in front of the police station, the entire episode was recorded in the CCTV camera, which is installed in the Eraniel police station and as per the dictum laid down by the Honourable Apex Court, all the police stations have been fitted with CCTV cameras. Hence, from the CCTV footage recorded in the Eraniel police station, the real accused can be found out.

3. Further, this petitioner, as a complainant in the criminal case, apprehends the official respondents have not conducted investigation in a proper manner and hence the present Writ Petition came to be filed.

4. As a complainant, if the petitioner feels that the investigation has not been conducted in a proper manner, he is having an alternate remedy of filing a complaint before the Superintendent of Police or to file an appropriate application under Section 482 Cr.P.C for transfer of investigation.

5. 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 redressed 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."

6. 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."



7. 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)

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/ /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

1.The Home Secretary,
Secretariat,
Fort.St.George,
Chennai - 600 009.

2.The Director General of Police,
Chennai.

3.The Superintendent of Police,
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4.Mr.Sundharamoorthy,
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+1 CC to M/s.SPL GP (SR-34760[F] dated 17/11/2021)

W.P(MD) No.20420 of 2021
15.11.2021

SAR(CO)
KB(24.12.2021) 4P 6C