



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM

The Hon'ble Mr. Justice PARESH UPADHYAY
and
The Hon'ble Mr. Justice A.D.JAGADISH CHANDIRA

W.A.No.392 of 2022

1.I.Ganapathy
2.K.Kulasekaran

.. Appellants

Vs

1.The Union of India
Rep. By the Chief Secretary to Government,
Government of Puducherry,
Chief Secretariat,
Goubert Avenue,
Puducherry - 605 001.

2.The District Collector,
Office of the District Collector,
Petaiyanchathiram,
Puducherry.

3.The Sub-Collector(South)
Office of the Sub-Collector,
Villainur,
Puducherry - 605 110.

4.S.Gunasekaran

.. Respondents

Appeal preferred under Clause 15 of Letters Patent against the order dated 06.12.2021 made in W.P.No.25456 of 2021.

Prayer in W.P.No.25456 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents 1 to 3 to take action against the 4th respondent based on the petitioners representation dated 22.10.2019 and 07.09.2020 respectively by producing the residence certificate illegally obtained from the 3rd respondent on 14.12.2000 to cancel / revoke the residence certificate which was issued by the 3rd respondent on 14.12.2000 to the 4th respondent illegally.



WEB COPY

For Appellants : Ms.R.Kalaiyarasi

For Respondents : Mr.A.Balamurugane
Public Prosecutor (Puducherry)
for R1 to R3

Mrs.Usha Raman for R4

JUDGMENT

(Delivered by PARESH UPADHYAY, J.)

1. Challenge in this appeal is made to the order dated 06.12.2021 recorded on W.P.No.25456 of 2021. This appeal is by the writ petitioners.

2. Learned advocate for the appellants / writ petitioners has submitted that, issuance of certificate in favour of the fourth respondent by other State Authorities was not in accordance with law and therefore the said respondent could not have been appointed at all in the year 2000 and therefore his case can not be considered for promotion before considering the case of the petitioners. It is submitted that, in this back ground when the grievance was voiced before this Court, the petition ought to have been entertained. It is submitted that, dismissal of the writ petition is erroneous and therefore this appeal be entertained.

3. On the other hand, learned advocate for the fourth respondent has submitted that, the petitioner has resorted to an ingenuine attempt to stall the promotion of the fourth respondent but the learned Single Judge has rightly not entertained the writ petition and therefore this appeal be dismissed.

4. Learned advocate for the second respondent / employer has submitted that, on inquiry, the certificate of the fourth respondent is found to be genuine. It is submitted that, that was the stand of the employer before learned Single Judge and that is the stand in this appeal as well.

5. Having heard learned advocates for the respective parties and having considered the material on record, this Court finds that, learned Single Judge in para : 2 and 3 has noted as under:-

2. The present Writ Petition has been filed to take action against the Order dated 06.12.2021 in W.P.No.25456 of 2021 fourth respondent. According to the petitioners, the fourth respondent is working in



WEB COPY

the same Department where the petitioners are working. It appears that the petitioners have an axe to grind against the fourth respondent. According to the petitioners, the fourth respondent cheated the Government by furnishing a fabricated statement that he was a resident of Puducherry for five consecutive years. The petitioners have come up with the facts in support of their allegations against the fourth respondent. The entire affidavit filed in support of the Writ Petition, contains several facts relating to the conduct of the fourth respondent. According to the petitioners, despite their representations, no action has been taken against the fourth respondent, and therefore, they are before this Court by filing the present Writ Petition for the relief stated supra.

3. This Court is unable to countenance or appreciate the averments made in the affidavit filed in support of the Writ Petition, for the simple reason that the Jurisdiction of this Court under Article 226 of the Constitution of India, cannot be invoked for the purpose of settling personal scores between the parties. If the petitioners have any grievance against any Order dated 06.12.2021 in W.P.No.25456 of 2021 person employed in their Department, it is for them to work out their remedy in the manner known to law and certainly, it is not open to the petitioners to invoke the Jurisdiction of this Court under Article 226 of the Constitution of India. Such a remedy is not to be made available for personal fight between the petitioners and the fourth respondent.

5.1 Based on the above factual background, learned Single Judge in para : 4 noted as under:-

4. This Court's Jurisdiction cannot be made available for such motivated elements to use this Jurisdiction for advancing their personal agenda. Such motivated and mischievous litigations need to be discouraged. The Jurisdiction of this Court cannot be allowed to be sullied by persons who approach this Court for advancing their illegitimate cause for serving their own ends.

5.2 We find that, not entertaining writ petition with above reasons is just and proper and any interference in this appeal will only encourage disgruntled element like the writ petitioner, which need not be done in exercise of powers under Clause 15 of Letters Patent.



WEB COPY

6. For the above reasons, this writ appeal is dismissed.
No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

ssm/66

To :-

1.The Chief Secretary to Government,
Union of India
Government of Puducherry,
Chief Secretariat,
Goubert Avenue,
Puducherry - 605 001.

2.The District Collector,
Office of the District Collector,
Petaiyanchathiram,
Puducherry.

3.The Sub-Collector(South)
Office of the Sub-Collector,
Villainur,
Puducherry - 605 110.

+1cc to Mr.R.Kalaiyarasi, Advocate, S.R.No.38522
+1cc to Mr.Usha Ramman, Advocate, S.R.No.38330
+1cc to the Government Pleader(Puducherry), S.R.No.39097

W.A.No.392 of 2022

PM(CO)
SB(01/07/2022)