



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.2192 of 2022

P.Alagarsamy

... Petitioner

vs

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

2.The District Collector,
District Collector Office,
Sivagangai,
Sivagangai District.

3.The Assistant Director,
District Land Survey Office,
Sivagangai,
Sivagangai District.

4.The District Revenue Officer,
District Revenue Office,
Devakottai,
Sivagangai District.

5.The Tahsildar,
Tahsildar Office,
Ram Nagar,
Devakottai, Sivagangai District.

6.Sivan,
Deputy Surveyor,
Taluk Office,
Devakottai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the respondents 2 to 5, to consider and pass appropriate orders on the representation of the petitioner, dated 21.12.2021 sent by the petitioner to initiate appropriate disciplinary/departmental



proceedings against the sixth respondent as contemplated under the Tamil Nadu Government Servants (Discipline and Appeal) Rules.

For Petitioner: Mr.S.Muthukumar
For R1 to R5 : Mr.P.T.Thiraviam
Government Advocate

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O R D E R

The writ petition is filed for a Mandamus, directing the respondents 2 to 5 to initiate departmental/disciplinary action as against the sixth respondent based on the petitioner's representation dated 21.12.2021.

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

3.The learned counsel appearing for the petitioner submits that after conducting survey and fixing boundary stones by the sixth respondent in the petitioner's land in Survey No.334/4, Patta No.416, Kannankudi Group, Sivagangai District, the sixth respondent measured the petitioner's adjacent land owner's property and fixed the boundary stones after 2 ½ meters, from the place which was already measured and fixed boundary. Hence, the petitioner approached the sixth respondent, for which, he directed the petitioner to pay fee once again, for surveying the property. The grievance of the petitioner is that even after payment of fee for measuring the property, the sixth respondent has not come forward to measure the petitioner's land. Hence, the petitioner approached the Village Administrative Officer and Revenue Divisional Officer. But no action has been taken by them. Therefore, the petitioner has given a representation on 11.10.2021, to initiate departmental proceedings against the sixth respondent and the same was not considered. Hence, this petition.

4. 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."

5. 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. ..."

6. 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

// True Copy //

/ /2022

Sub Assistant Registrar

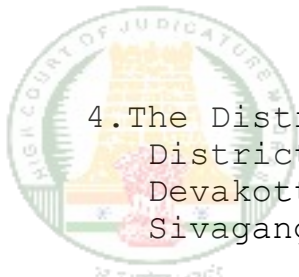
Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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5.The Tahsildar,
Tahsildar Office,
Ram Nagar,
Devakottai, Sivagangai District.

+1 CC to M/s.SPL.GP (SR-4200[F] dated 04/02/2022)

W.P (MD) No.2192 of 2022
03.02.2022

vrn
MS/18.03.2022/5P.7C