



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 3243 of 2022

and

W.M.P. (MD) No. 2842 of 2022

Abdulla,
S/o.Mohammed Hussain,
President,
Integrated Monapparai Taluk,
Manavari and Iravai Pasanatharkal
Farmer Association,
Register No.198 of 2013,
1222 East Street, Puthanatham Post,
Manaparai Taluk,
Trichy District.

... Petitioner

Vs.

1. The Director of Agriculture,
Agriculture Directorate,
Chepauk,
Chennai - 600 005.

2. The Director,
Agriculture Department,
Stamin,
Kudumiyanmalai Post,
Pudukottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the first respondent to change the enquiry officer in his proceedings in Letter No.A/1467/2021 dated 10.02.2022 on the basis of the petitioner's representation dated 12.02.2022.

For Petitioner : Mr.A.Joel Paul Antony

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader



O R D E R

The relief sought for in the present Writ Petition is to direct the first respondent to change the enquiry officer in his proceedings in Letter No.A/1467/2021 dated 10.02.2022 on the basis of the petitioner's representation dated 12.02.2022.

2. The letter dated 10.02.2022 is the information provided to the petitioner stating that based on his complaint, an enquiry is contemplated against the officials who all are connected with the allegations. However, the petitioner states that the Enquiry Officer appointed was respondent in W.P. (MD) No. 10418 of 2021 which is a Public Interest Litigation filed before the Hon'ble Division Bench of this Court. Based on the said ground, the present Writ Petition is filed for a direction to change the Enquiry Officer.

3. Interestingly, the petitioner is not an employee of the Agricultural Department. He claims to be the State President of Integrated Manapparai Taluk, Manavarai Matrum Iravai Pasanadarargal Vivasayigal Sangam. In his capacity as the State President, he filed the present Writ Petition seeking relief in respect of the departmental enquiry initiated against certain officials. No doubt, the petitioner may be a complainant, if so, he is entitled to give documents and evidences to the Department enabling the Authorities to pursue the matter. If necessary, he may give his oral evidence also during the course of enquiry if he is called for by the Authority. Contrarily, he cannot file a Writ Petition for change of Enquiry Officer as the said Writ Petition filed by the petitioner in W.P.(MD)No.10418 of 221 was already dismissed by the Hon'ble Division Bench of this Court on 26.10.2021.

4. The Hon'ble Division Bench made certain serious observations against the petitioner in the Public Interest Litigation which reads as follows:

"3. The petitioner has a chequered career in filling petitions in public interest. While the petitioner claims that pursuant to some previous petitions FIRs came to be lodged against the concerned government officials, there is atleast one order passed on a previous petition where the Court was constrained to impose costs on the petitioner for the reckless invocation of the jurisdiction. In the present case, advocate for the petitioner was required by this Court to indicate the best material in support of his allegations of corruption. To this, counsel for the petitioner refers to the purchase of some material at a cost of about Rs.4,400/- per unit by some of the respondents herein whereas, according to the petitioner, such commodity was available on Amazon at nearly half the price.



4. To begin with, the price at which any product is available on the online site of Amazon may not be a proper yardstick to assess whether in the acquisition of a similar product by a government body there has been any wrongdoing. It is nobody's case that the government officials are permitted to obtain products from Amazon, where the quality, quantity and the availability may not be ascertained before hand. Though there is also an online portal for government entities to buy therefrom, which is supported by the Union Government, not all State Government subscribe to such online purchase methods.

6. W.P. (MD) No. 10418 of 2021 is disposed of without any order. The petitioner is cautioned to be careful when the petitioner invokes this jurisdiction in public interest in future. The petitioner ought to exercise extreme restraint and when allegations of corruption or wrongdoing are levelled, the fullest particulars with material in support ought to be indicated for the Court to take any cognizance thereof. For the present case, no costs are imposed on the petitioner."

5. When the public interest litigation filed by the petitioner was already dismissed by the Hon'ble Division Bench with certain serious observations, the relief of change of Enquiry Officer cannot be entertained by way of Writ Petition.

6. However, it is to be noted that, the petitioner has given some complaint against the authorities. Actions are rightly taken by the Competent Authorities for the purpose of conducting an enquiry. It is needless to state that the impartial enquiry is to be conducted in respect of all such corruption allegations against the departmental officials. Therefore, the petitioner has to co-operate for the enquiry instead of filing Writ Petition after Writ Petition by stalling the enquiry proceedings. When a complaint is given by the Sangam and the Department has already commenced the enquiry, the petitioner as well as other Office Bearers of the Sangam may participate in the enquiry or submit evidences and documents to establish their allegations. Contrarily, the petitioner cannot file Writ Petition after Writ Petition to stall the proceedings. Thus, the very intentional motive of the petitioner itself becomes stoutly clear that in one hand, he is filing a complaint and when the Authorities have taken action, then, he is filing a Writ Petition to change the Enquiry Officer. Earlier Public Interest Litigation was dismissed by the Division Bench of this Court with serious observations, then when these are the facts and circumstances, the petitioner has not filed Writ Petition with a definite cause of action and further he cannot be construed as an aggrieved person as



far as the enquiry ordered by the Department is concerned. This apart, the petitioner has suppressed the fact regarding the disposal of the Public Interest Litigation filed by him in W.P. (MD) No. 10418 of 2021 dated 26.10.2021. Thus, the petitioner should not file such kind of vexatious Writ Petition which would result unnecessary loss of judicial time to the Court. In the event of filing such unnecessary litigations, the Courts are bound to take serious view and if such Writ Petitions, on such flimsy ground or vexatious ground are filed, this Court will not hesitate in imposing heavy cost on the writ petitioner.

7. With these observations, this Writ Petitions is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS II)

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/ /2022

Sub Assistant Registrar(CS)

vji

To

1. The Director of Agriculture,
Agriculture Directorate,
Chepauk,
Chennai - 600 005.

2. The Director,
Agriculture Department,
Stamin,
Kudumiyanmalai Post,
Pudukottai District.

+1 CC to M/s.SPL GP (SR-7797[F] dated 22/02/2022)

W.P. (MD) No. 3243 of 2022

and

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21.02.2022

MGJ(15.03.2022) 4P 4C