



W.P.No.24949 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.24949 of 2023

V.Selvamurugan

... Petitioner

Vs.

- 1.The Director,
Elementary Education,
DPI Campus, College Road,
Nungambakkam,
Chennai
- 2.The District Collector,
Office of the District Collectorate,
Cuddalore District
- 3.The Chief Educational Officer,
Office of the District Education Office,
Cuddalore District
- 4.The District Educational Officer,
Elementary,
Office of the District Elementary Educational office,
Virudhachalam,
Cuddalore District
- 5.The Assistant Elementary Educational Officer,
Bhuvanagiri Block,
Bhuvanagiri,
Cuddalore District
- 6.Shyamala Devi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of



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India praying to issue Writ of Mandamus directing the respondents 2 & 3 order of enquiry and take action into the misconduct of Shyamala Devi the sixth respondent herein by considering the representations dated 24.05.2023 and 29.05.2023, 24.07.2023 in accordance with law.

For Petitioner : Mr.R.Sankarasubbu

For Respondents

For R1 to 5 : Mr.P.Balathandayutham,
Special Government Pleader

ORDER

This writ petition has been filed for direction to respondents 2 and 3 to take appropriate action as against the 6th respondent on the petitioner's representation.

2. It is seen that the petitioner entered into a contract with the husband of the 6th respondent to construct a house at ASR Nagar, Flat No.68, Bhuvanagiri. There was a dispute between the petitioner and the 6th respondent's husband in respect of payment of money. Due to increase in the price of materials, there was some due to the petitioner. Therefore, the petitioner failed to hand over the possession of the said



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property to the 6th respondent's husband. According to the petitioner, rowdy elements had taken the key of the said house. Therefore, the petitioner lodged complaint before the Inspector of Police, Bhuvanagiri Police Station. On receipt of the same, the petitioner was issued CSR.Nos.525 of 2023. However, no FIR was registered as against the 6th respondent or any of the family members of the sixth respondent. Now the petitioner submitted representation to take appropriate action as against the 6th respondent for the misconduct.

3. Admittedly, the sixth respondent never entered into an agreement with the petitioner to construct a house. The construction agreement was executed by her family members i.e. her husband, her father and her brother. If any dispute with regards to non payment of money, the petitioner ought to have filed a civil suit. Therefore, the representation submitted by the petitioner cannot be considered to take any departmental action as against the 6th respondent. Further, the petitioner is now trying to convert a civil dispute into a departmental proceedings as against the 6th respondent.



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4. Therefore, the writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

24.08.2023

Internet: Yes

Index: Yes/No

Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Director,
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- 5.The Assistant Elementary Educational Officer,
Bhuvanagiri Block,
Bhuvanagiri,
Cuddalore District
6. The Government Advocate,
High Court, Madras.

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