



W.P.No.788 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.788 of 2023

Murugesan

.. Petitioner

Vs

1 The Registrar of Co-Operative Societies
Registrar of Co-Operative Societies Office
170, Periyar Highway, Kilpauk
Chennai - 600 010.

2 The District Collector
O/o. The District Collector
Salem District, Salem.

3 The District Deputy Registrar
Co-operative Societies
Salem District, Salem.

4 Dayalan

5 Rajamanickam

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to dispose of the representations dated 01.08.2022 and 05.09.2022 given by the petitioner to the respondents within a stipulated time.



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For the Petitioner : Mr.K.Sivakumar

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

Murugesan, son of N.Gopal, has filed this writ petition, styled as a public interest litigation, seeking issuance of a writ of mandamus to direct the respondents to dispose of the representations dated 01.08.2022 and 05.09.2022 given by the petitioner within a stipulated time. The allegations in the representations pertain to illegal promotion and seniority granted to the private respondents.

2. It is trite law that no public interest litigation shall be entertained in service matters. In ***Duryodhan Sahu v. Jitendra Kumar Mishra, (1998) 7 SCC 273***, a Three-Judge Bench of the Supreme Court held that a public interest litigation is not maintainable in service matters. It is observed in paragraph (18) of the judgment supra, as under:



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"18. ... If public interest litigations at the instance of strangers are allowed to be entertained by the Tribunal, the very object of speedy disposal of service matters would get defeated."

3. The petitioner, being a stranger, we hold that he cannot maintain a public interest litigation in the light of the decision of the Apex Court in ***Duryodhan Sahu v. Jitendra Kumar Mishra***, supra.

4. The aforesaid view was reiterated by this Court in the order dated 13.12.2022 passed in W.P.No.33260 of 2022 [*A.P.Gowdhama Sidharthan v. The State of Tamil Nadu*], in which the Acting Chief Justice was a member.

For the foregoing reasons, the writ petition is dismissed.
There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
11.01.2023

Index : No
Neutral Citation : No
sasi



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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sasi)

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