



W.P.(MD)No.6153 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 21.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

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Kandasamy

... Petitioner

Vs

1.The Secretary to Government,
Revenue Department,
Fort St., George, Chennai.

2.The Director,
Directorate of Vigilance and Anti-Corruption
Department,
No.293, MKN Road, Alandur,
Chennai 600 016.

3.The District Collector,
Pudhukottai District,
Pudhukottai.

4.The Revenue Divisional Officer,
Pudukkottai, Pudukkottai District.

5.The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.

6.Piravina Merry

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1, 3 and 4 to initiate and take necessary disciplinary action against the sixth respondent on the



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basis of the petitioner's representation dated 24.02.2023 and to take necessary action against the fifth respondent for failing to take action against the sixth respondent.

For Petitioner : Mr.V.Kannan
For Respondents : Mr.K.Balasubramani (R1 to R5)
Special Government Pleader

ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader appearing for the official respondents.

3. The petitioner alleges that his vehicle bearing Registration No.TN63BJ4637 was seized by the sixth respondent on 19.02.2023 and handed over to the fifth respondent, who registered Crime No.51 of 2023 for the offence under Mines and Minerals Act. The petitioner makes a further allegation that the sixth respondent demanded bribe from him and that his driver was physically manhandled and assaulted by her and her team. The petitioner's statement was recorded by the fifth respondent. The petitioner wants this Court to direct the competent authority to take action against the sixth respondent.

4. The prayer in the writ petition is for taking disciplinary action against the sixth respondent. Whether to take disciplinary action against a particular employee or not is left to the discretion of the competent



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authority. This Court would not be justified in issuing any writ of mandamus. It is for the third respondent to take a call on the petitioner's representation dated 24.02.2023. It is not as if the petitioner is without remedy. If according to the petitioner, some offence has been committed by the sixth respondent, it is open to the petitioner to move the jurisdictional Magistrate Court under Section 156(3) of the Code of Criminal Procedure. The petitioner can also file a private complaint . If according to him, human rights violation has taken place, he can go before the Human Rights Commission. All that I am holding is that the writ Court would not issue a direction for taking disciplinary action. I have not said anything on the merits of the petitioner's complaint. Leaving the matter to the discretion of the third respondent, the Writ Petition is disposed of accordingly. No costs.

21.03.2023

Index : Yes/No

Internet : Yes/No

Rmk

To
The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organization,
Regional Office, P.B.No.588, Sree Complex,
D Block, No.18, Madurai Road,
Trichy 620 008.



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G.R.SWAMINATHAN, J.,

Rmk

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