



W.P.(MD).No.8678 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 8678 of 2023

R.Suresh Kanna

... Petitioner

Vs.

1. The Principal Secretary to Tamilnadu,
Revenue Administration Department,
Fort Saint George, Chennai.
2. The Principal Secretary to Tamilnadu,
Public Works Department,
Fort Saint George, Chennai.
3. The District Collector,
Ramanathapuram District,
Ramanathapuram.
4. The Sub-Collector/Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
5. The Thasildar,
Paramakudi Taluk,
Ramanathapuram District.
6. The Executive Engineer,
Public Works Department/WRO,
Keezh Vaigai Basin Sub Division,
Paramakudi Taluk,
Ramanathapuram District.
7. The Assistant Engineer,
Public Works Department/WRO,
Pasanaprivu,
Paramakudi,
Sivagangai District.

... Respondents



W.P.(MD).No.8678 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of ***Writ of Mandamus***, directing the respondents 1 and 2 to take stringent departmental action against the concerned erring officials attached to the respondents 3 to 7 office for their disobedience to the Honble High court orders which directed to remove the encroachment made in the Kanmai situated in S.No.122, Keelakavanoor village, Paramakudi Taluk, Ramanathapuram District, by considering the representation of the petitioner, dated 01.03.2023.

For Petitioner : Mr.R.Gowrishankar

For Respondents : Mr.G.Suriyananth
Additional Government Pleader

ORDER

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

2. This writ petition is filed for ***Writ of Mandamus***, directing the respondents 1 and 2 to take stringent departmental action against the erring officials attached to the respondents 3 to 7 office and also prayed to remove the encroachment made in the Kanmai situated in S.No.122, Keelakavanoor village, Paramakudi Taluk, Ramanathapuram District, by considering the representation of the petitioner, dated 01.03.2023.



W.P.(MD).No.8678 of 2023

3. The contention of the petitioner is, inspite of Court order, the official respondents have not removed the encroachments. The further contention of the petitioner is that the encroacher had gifted some lands through some sale deed so that the official respondents would refraining from taking any action.

4. This Court is of the considered opinion that the petitioner has a remedy to file a contempt petition, inspite of the same, the petitioner has come up with the writ petition. Taking disciplinary action and criminal action against the erring officials is within the domain of the employer, the petitioner cannot demand the employer to take action against the erring officials that too by way of disciplinary proceedings. It is a settled proposition that the writ petition cannot be entertained with this prayer. Hence, this Court is not inclined to entertain this writ petition.

5. Accordingly, this Writ Petition stands dismissed. Liberty is granted to the petitioner to approach with appropriate petition and to appropriate court. No Costs.

Index : Yes / No

Internet : Yes

17.04.2023



W.P.(MD).No.8678 of 2023

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Ilaiyankudi,
Sivagangai District.



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S.SRIMATHY, J

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**Order made in
W.P.(MD)No.8678 of 2023**

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